Bombay Gazette.

Volume 34. Wednesday, April 23, 1823. No. 1716.

Recorder's Court.

PLEA SIDE.

James Guthorne Remington, James Henry Crawford, Mathew Theodoseus Dennis Devitre, and Mansfield Forbes, carrying on trade and business together in Copartnership at Bombay under the firm of Messrs. Remington, Crawford and Company.—Complainants.

vs.

Christopher Brown Boyce.—Defendant.

Sheriff's Sale.

NOTICE IS HEREBY GIVEN.

THAT on Friday the 25th day of April Instant, will commence the sale by Public Outcry by the Sheriff of Bombay (under and by virtue of a Writ of *Fieri Facias* issued in the above cause) at the said Defendants Shop in the Fort.

Quin Camp & Imperial Sauce, French Olives, Essence of Anchovies, Pickled Mushrooms, Walnut and Mushroom Ketchup, Europe Mustard in Bottle, Lisbon London Particular Madeira, Port, and British Wines, English Claret and Old Cogniac Brandy.

The Wine and Spirit, are packed in cases of about 6 Dozen each for the convenience of purchaser's.

MONDAY 28TH INSTANT.

Table and Wall Shades, Wine and Claret glasses, Diamond Cut Pint and Quart Decanters, Wall Shades & Branches, Ditto with Cut Pans and Drops, Plated Pedestal Candlesticks with Shades; Ditto with Cut Pans and Drops; Ditto double Branch Ditto with Ditto—Elegant Breakfast, Desert and Dinner Services of Spodes ware, Convex Mirror's and Pictures Glazed and Framed.

Notice will be given of the days of Sale of Brandy in Puncheons, London Particular Madeira in Pipes, Beer ripe in Bottle, Holland in Cases, English & China Plate, Gold and Silver Watches, Jewellery; Plated ware, Epaulettes and other Military Articles, Superfine Cloth, Kerseymere, Saddlery, Boots & Shoes, Books, Medicine, Perfumery Hosiery, Stationary, Mathematical Instruments, Cutlery, Double and Single Barrelled Guns, Souchong and Hyson Tea, Nankeen, Bengal Table Cloths and Towels, and other Articles.

Catalogues may be had on the premises.

Bombay, 23d April 1823.

28th Calcutta Lottery.

THE following TICKETS sold at Bombay in the above LOTTERY, and drawn Prizes, will be paid by the Subscribers at the Exchange of 106 Bombay Rupees, per 100 Siccas, less the stipulated discount of 12 per Cent, or they will be received in Exchange for TICKETS in the Twenty ninth LOTTERY, if presented to them within two months from this date.

VIZ.

Nos.	601	605	613	617	627	628
634	635	644	647	648	649	1310
1312	1317	1325	1328	1336	1340	1341
1343	4603	4616	4621	4623	4625	4639
4641	4642	4646	4650	5202	5206	5212
5215	5220	5221	5226	5231	5232	5233
5239	5244	5803	5814	5827	5834	5838
5841	5843	5846	5849	and	5850.	

ALEXANDER MACKINTOSH & Co.

RAMPART ROW }
9th April 1823. }

Scheme

OF THE

29th Calcutta Lottery.

1	Prize of		1,00,000
1	Ditto of		60,000
1	Ditto of		40,000
1	Ditto of		30,000
1	Ditto of		20,000
6	Ditto of	10,000 each. . .	60,000
10	Ditto of	5,000 each. . .	50,000
15	Ditto of	2,000 each. . .	30,000
35	Ditto of	1,000 each. . .	35,000
50	Ditto of	500 each. . .	25,000
1200	Ditto of	125 each. . .	1,50,000

1321 PRIZES.
4679 BLANKS.

6,000 TICKETS AT 100 RS. EACH, 6,00,000

A deduction of Twelve per Cent, will be made from all the Prizes for the improvement of Calcutta, and the expences of the Lottery.

The Prizes will be paid at the Bank of Bengal, subject to the deduction specified in the foregoing Article, Thirty days after the Drawing shall have been completed.

The 1200 Numbers first drawn from the Number Wheel will be entitled to the 1200 Prizes of 125 Rupees each.

The capital Prize of 1,00,000 Rupees will be a floating Prize, on the last day of drawing, and that of Sicca Rupees 60,000 from the Commencement of the Sixth Day.

The Drawing will commence on the 1st July next, and is to be completed in twelve days Drawing, so as to be finished on or before the 28th August.

For the accommodation of the Public, the Agents at Fort St. George and Bombay will be authorised to discharge the Prizes which may be drawn amongst the Tickets sold at those Presidencies, if they are presented for payment within Two Months after the Agents shall have received authentic Lists of such Prizes of which due notice will be given by them in the Government Gazette; but the holders of any Prizes who do not present their Tickets to the Agents within that period, will be referred for payment to the Bank of Bengal.

J. TROTTER, *Superintendent.*

Calcutta, the 13th March, 1823.

Tickets in the above LOTTERY for sale at the Office of ALEXANDER MACKINTOSH, & Co. at Rs. 130 each.

RAMPART ROW }
9th April 1823. }

Mr. Fair.

HAS THE FOLLOWING,

WINES

FOR SALE

In his Godown

UNDER THE

APOLLO HOUSE,

Madeira Old

And fit for present Bottling

in

Pipes & Hhds.

A FEW Half Chests of Butler & Son's Claret, Port Wine, Barsac, Vin de Grave.

N. B.—Mr. Fs. Office is in Forbes' Street.

Bombay, 23d April 1823.

Kempt and Co.

WILL SELL.
BY PUBLIC AUCTION.
This Day, Wednesday, the 23d Inst.
At Hormasjee Bomanjee's

Screws,

THE FOLLOWING

ARTICLES,

BLACKWOOD Plank of dimensions
Ayny, ditto do.
3 Cases of Verdigrease.
A Quantity of Canton cloth.
A Number of Bundles of Rod Iron.
Sundry cases of Iron Plates.
Several Iron Knees.
Sundry Packages of scales and weights.
AND
3 Pipes of Bronti Madeira.
Bombay, 23d April 1823.

Kempt and Co.

WILL CONTINUE THE SALE
BY AUCTION,
OF THE LATE FIRM
of
Messrs. Lugrin and Watson,
STOCK IN TRADE
On Thursday, the 24th Instant,
BEGINING with the remainder of the Jewellry and Watches, left unsold at the last Sale.
TERMS CASH;
And the lots to be cleared away within three days from the date of Sale—otherwise they will be resold at the risk of the first purchaser, he forfeiting all advantages, and making good all losses.
Bombay, 23d April 1823.

Kempt and Co.

WILL SELL
BY PUBLIC AUCTION,
On Saturday the 26th Instant,
At 4 o'Clock on the afternoon.
ON THE PREMISES.

THAT HOUSE

known as the
OFFICE
OF
JOHN SANDWITH Esq.
Attorney at Law
Immediately facing the Shop
OF
Kempt & Co.

CONDITIONS will be made known at the time of sale. The title deeds may be inspected by application to Messrs. Kempt and Co.
Bombay, 23d April 1823.

CARD.

MR. McVEIGH begs leave to acquaint his Friends and the Public, that every article in the bakery line, whether for domestick or foreign consumption, may be had on demand at his Bakery in Hummum Street; and all those in the *Pastry and Confectionary* departments at the shortest notice.

Captains of Ships sailing from this Port, and Families returning to Europe, or travelling into the Interior, will also be supplied on the most advantageous and reasonable terms.

Mr. McV. avails himself of this opportunity to inform his Customers residing at a distance from the Fort, that he continues for their accommodation, the "Country Shop" on the Byculla road, established some years ago, by Messrs. Cameron and Wallace. This Shop (which is situate on the western side of the Bhendy Bazar, and is the second house from the corner of the cross road or line of communication from the *Duncan road to Mr. Mitchell the Coach-maker's, near Baboola Tank,*) is regularly supplied every morning at Daybreak, from the Bakery in the Fort;—and for the guidance of Gentlemen's servants, there is a shewboard hung over the door, inscribed McVEIGH'S BAKERY, (in English and Guzeratty characters.)
Bombay 19th Feb. 1823

Mr. Higgs

WILL SELL
BY AUCTION
At his Stables,
THIS DAY,
AT 4 O'CLOCK IN THE AFTERNOON
ANOTHER LOT OF

Arabian

and
PERSIAN

HORSES,

THE whole of which will be knocked down without reserve.
Bombay, 23c April 1823.

Passage to Europe,

THE

Theodosia,

Captain Kidson,

WILL Sail for Liverpool in the course of next month, and has room for a few Passengers.
Apply to the Captain on Board, or of Messrs. *Ritchie, Steuart and Co.*
Bombay, 23d April 1823.

Mr. Francis Lugrin,

MOST respectfully informs his friends and the Public, that in consequence of the death of his late Partner MR. J. S. WATSON, he has admitted his Son FRANCIS JOHN LUGRIN a Partner in his Concerns, to have effect from the 7th February last, and the business will be conducted on the usual terms, under the firm of LUGRIN, SON, AND CO.

Mr. Lugrin takes this opportunity to return his grateful thanks for the very liberal support the late firm has been honoured with, and hopes that, by strict care and attention the present will merit a continuation of the same favours.

Mr. Lugrin hopes that, those Gentleman who are indebted to the late firm, will make arrangements for a speedy liquidation of their accounts.
Bombay, 23d April 1823.

Advertisement.

TO BE LET
A
Commodious Upper-roomed Dwelling

HOUSE

With a Stable &c.

SUITABLE for the accommodation of a single family, situated within the Town wall No. 36 Meadows Street opposite to the Shop of *Monackjee Heerjee* Watchmaker or Mr. *Gamma's* Medical Repository. For particulars apply to *Jamsetjee Jejeebhoy.*
Bombay 23d April 1823.

For London direct,

TO SAIL THE END OF MAY,
OR
EARLY IN JUNE,
THE SHIP

PIGGOTT,

BURTHEN 360 TONS,
5 years old and commanded by
LIEUT. TOMLIN.

THIS vessel was to leave London on the 15th November: she is stated to sail remarkably well and to have a Poop with excellent accommodations. For Freight or Passage apply at Mr. *Prinsep's* Office in Dadhee's buildings.
Bombay, 23d April 1823.

TO CORRESPONDENTS.

The state of our columns must apologize to several friends, for the omission of their favours, which we have not time particularly to enumerate.

If "Sic vos non vobis" will send a paper to our Office with those words written on it, a letter will be given the Messenger, and no questions asked.

Digitized with financial assistance from the
Government of Maharashtra
on 28 June, 2017

THE GAZETTE
BOMBAY.

WEDNESDAY, 23D APRIL 1823.

We have at length the pleasure to announce the arrival of a Ship from England. The Theodosia, Captain Kidson from Liverpool 23d of October, anchored in the harbour on Monday night.

PASSENGERS.

Mrs. Lawrie and the Rev. Mr. Lawrie, Junior Minister of the Scotch Church.

By the ship Ajax which arrived at Madras on the 6th Inst. from the Cape of Good Hope, English papers have reached that Presidency which extend the 9th of December, The intelligence they communicate is very important. War against Spain, has been determined on by the four great continental Powers of Europe, and according to some accounts had actually commenced. As no certainty however at present exists in regard to this latter, we are unwilling to relinquish the hope that peace may still be preserve; but in case otherwise, "should the voice and warnings of England not be listened to," we confess it would afford us pleasure if the Allies should suffer a signal and disgraceful defeat.

Major Generals, W. Grant Keir, Lionel Smith, Theophilus Pritzler, and James Campbell, were nominated, we understand, Knights Commander of the Bath on the 3d of December.

The Barossa East Indiaman reached Margate, 2d November.

BOMBAY SESSIONS.

The Second Sessions of Over and Terminer &c. for this Island commenced on Monday last, before the Honorable Sir Edward West, Recorder, and his associates.

The following Gentlemen composed the Grand-Jury.

JAMES HENRY CRAWFORD, Esq. FOREMAN.

Wm. Mainwaring, Esq.	Benjamin Noton, Esq.
Wm. Tho. Graham, Esq.	George Barnes, Esq.
Bazett Doveton, Esq.	John Best, Esq.
Wm. C. Bruce, Esq.	William Nicol, Esq.
Wm. Simson, Esq.	William Petill, Esq.
Chas. W. Fair, Esq.	John Saunders. Esq.
Frederick Bourchier, Esq.	Archibald Inglis, Esq.
George A. Prinsep, Esq.	Patrick Steward, Esq.
Alex. Bell, Esq.	Jas. Fawcett, Esq.
M. T. D. DeVitre, Esq.	Thos. Crdwford, Esq.
James Forbes, Esq.	George Forbes, Esq.

The usual preliminary business being gone through, the Hon'ble the Recorder addressed the Grand Jury nearly in these terms.

GENTLEMEN OF THE GRAND JURY.

I am sorry to have to call your attention to a long Catalogue of offences, many of them too the most heinous that could be committed against the persons or properties of individuals. The investigation of these cases will necessarily occupy a considerable portion of your time. It would therefore be unpardonable in me, still further to trespass on that valuable time by any observations which were not absolutely called for. There is however one topic on which, were I not to touch, I should not be doing my duty to myself, to you or to the public. I allude to the attendance of the Gentlemen of this presidency on the Grand and Petit Juries. I have had many applications, as well to day since I have been in Court, as on former days, for exemption from service on both Juries; these applications, it has been my painful duty in every instance to refuse, a duty particularly unpleasant of performance in a small society like this, where I already have, or expect soon to have the honor of being personally known to every individual Gentleman. I have however proceeded upon this principle, that the favor of exemption granted to one Gentleman, would be an injustice to all the rest. The burthen of attendance, if borne equally by all, will press heavily upon none, whereas were many exemptions granted, the duty (I allude particularly to the Petit Jury) would be almost intolerable to the few who are obliged to bear it.—While, however, I have refused every application for exemption from service on the Grand Jury, I have not been inattentive to the convenience of the public, or of individuals, and the Court have therefore determined, that where there are several heads or chiefs of Office in any department under Government, one of those will be excused, and the same rule has been adopted with regard to Houses of Agency, and mercantile establishments.

I have had more difficulty with respect to the Petit Jury, from an erroneous feeling, which has prevailed that the attendance on that Jury is derogatory to the character of a Gentleman. Not knowing on what grounds such notion rests, I hardly know how to combat or refute it; I presume it is founded on the fact that in our native country Petit Juries are *usually* composed of persons who, however respectable, are not of the higher classes of society. There is however no analogy between this settlement and Great Britain in this respect; in the first place, there are really no European inhabitants here who are not superior both in station and intelligence, to the class which is usually summoned for the Petit Jury in England; in the next place, if the same rule were adopted here, as is followed at home, of summoning only tradesmen, and persons of that discription, it would be impossible from the paucity of European inhabitants to compose a Petit Jury at all, besides, gentlemen who make this objection, and think it degrading to be associated in the performance of this duty with those of inferior rank to themselves, do not seem to be aware, of the practice which prevails in England. At every assize in England, men of the highest rank, and of the most ample fortunes in the county, are seen in the same Jury box, with their tenants, and even their *tenants' tenants*, and petty shopkeepers of a village, conferring, arguing and deliberating upon their verdict. I allude to the case of a special Jury, which is in fact a Petit Jury. At almost every assize special Juries are summoned to try one or more particular causes; it generally happens, that some only of those who are summoned attend, in which case, what is technically termed a *tales* is prayed by one party or the other, and the Jury is filled up, out of what is termed the common Jury pannel. Do Gentlemen of this rank think it a degradation to be associated in their public duties with those of the most inferior rank? Certainly not, and yet I will venture to say, that in many of these cases the distance between the Gentlemen summoned on the special Jury, and those taken from the Common Jury pannel, is greater than that which exists between the very highest and the lowest members of this community. It would be absurd in me to trouble Gentlemen of your intelligence, with any declamation on the merits of trial by Jury, but it may be allowed to me to say thus much, that not many of the Institutions of our native country have been transplanted into this soil, that fortunately for us that Institution which of all others has been the most highly prized and warmly cherished by our own conntry men the most admired, and of late years most generally imitated by foreigners, I mean trial by Jury, his been communicated to us. It depends upon you Gentlemen, and Gentlemen in your situation, to hand this institution down unimpaired and in all its *English* vigour to those who shall succeed us in this society. Gentlemen I feel confident that you will not be wanting in that pubtic spirit which is so peculiar to our countrymen, and which is the source at home of so much gratuitous public service. From the peer of the Realm, through the different gradations of society, even down to the Constable of the Parish or the Overseer of the poor, there is not a class that is not called upon to perform some gratuitous public service, and who do not perform it, actively, cheerfully, and I may say even *proudly*. The Peer of the Realm, the Member of the Commons house of Parliament, the Magistrate, the members of the grand and Petit Juries, the Church Warden, the constable of the Parish, and Overseer of the poor, all perform the duties of their several stations gratuitously, and I am sure Gentlemen you will not be deficient in the same public spirit. Gentlemen, I cannot but think that the disinclination which I have observed, in several of the members of this Society to attend on the Grand and petit Juries, has originated in that which it would be in vain to attempt to conceal, I mean the very great irregularity and disorder of the Court, which whilst they render the best planned institutions inefficient double the labors of all those connected with them. For these irregularities I should not presume to blame any one; they have been caused chiefly by unfortunate circumstances over which no human being could have any control; I mean by the frequent vacancies of this seat, which I have the honor to occupy.

Gentlemen, during the short time I have been here, I have done my utmost to remedy and correct that disorder, and those irregularities, and whilst I continue to occupy this place, it shall be my utmost endeavour to restore this Court to that station in the public opinion which it was intended by the Legislature to fill and which it has generally filled. To this object, there is no sacrifice of time, recreation, or any other pursuits of my own which I would not willingly make, and on this endeavour, I do not doubt, that I shall be most cordially joined by the rest of the Court, and zealously seconded by you.

Gentlemen, there is one other topic on which it is neceasary to say a few words, I mean the state of the Jail; I had intended to have visited it myself before the Sessions, but have been prevented by more urgent business of the Court, in which I have been constantly, and I may say laboriously occupied; you therefore whose more immediately duty it is, will have the goodness to visit it before you are discharged. It is unnecessary for me to point out to Gentlemen

of your experience and intelligence, the particular point, to which your attention should be directed; I would only say, that you should take care that those prisoners who are confined there for punishment, should not be treated with any harshness or severity beyond the law, and those who are confined there merely on suspicion previous to trial, should have every indulgence and comfort consistent with their safe custody."

The Hon'ble the Recorder here made some observations respecting a petition he had received from the prisoners on the Criminal side of the Jail, and stated, that although he had heard a very high character of the Jailor, yet, that the Grand Jury ought not for that reason, to relax from their vigilant superintendance of the Jail.

His Lordship concluded by making some observations on various points of law which he expected would arise during the investigation of the cases that were about to come before them, and stated that he should be very happy to afford the Jury his opinion on any difficultes that might occur.

Tuesday 15*th April* 1823.

The Court proceeded to the regular business of the Sessions.

Laskey M'Carthy a Soldier, was arraigned for the murder of Michael Cohen. The only evidence against him was his own confession, before Mr. Snow the Senior Magistrate of Police. taken on the 17th January last, in the following words.

"I Laskey Mc'Carthy being miserable and tired of life do confess and hereby declare, that in consequence of a quarrel I had with one Michael Cohen of the Bombay Regiment, in the month of February 1815, borrowed a pistol from John Chapman, shot at and killed Michael Cohen behind the town Barracks in the presence of the said John Chapman. That a reward was offered for the aprehension of the murderer, when John Chapman for the the sake of the above reward accused upon oath one Williams of the same Regiment who was Committed by the Magistrate for trial and acquitted by the Recorder's Court of the murder of the said Michael Cohen; and I do declare that Iam the Murderer of the said Michael Cohen."

Mr. Snow proved the confession to have been voluntarily made, and that he had warned the prisoner of the consequences of making it, he however persisted.

The prisoner on his defence called Robert Thorogood, and John Chapman; but their evidence being inconsistent with the testimony which they had given on former investigations respecting the murder of Cohen, the Recorder, in summing up stated to the Jury that no sort of reliance could be placed on their testimony. The Jury retired for about 15 minutes and returned a verdict of Guilty

Patrick Managham, also for Murder, was next tried and acquitted. His defence consisted in *an alibi*, he having been on guard during the night on which the murder took place.

Stephen Corloy, for manslaughter was found Guilty.

Essoo Gungajee for a Burglary, and Baloo Kanno as receiver, were next tried. Essoo was was found guilty, but Baloo acquitted, there being no evidence that he had received the stolen property within the Jurisdiction of the Court.

Wednesday 16*th April* 1823

The Court proceeded to the trial of Mahadoo Nanna and Natho Dhondee for Burglary; both were acquitted.

Dhunjee Ruttonjee and Domna Canjee Subac for stealing Jewels &c. in a dwelling house were found Guilty.

Sooderdass Vullubram, Nugur Hurribhoy and Toolseram Hurribhoy for Larceny, were also found Guilty.

Robert Thorogood, a witness on the trial of Laskey M'Carthy, having been found in a state of intoxication when first called in, was this day sentenced by the Court to a week's solitary confinement in Bombay Jail.

Thursday 17*th April* 1823.

Dorabjee Sorabjee and Hurdass Raydee were indicted for a Larceny, and Hurka Dougersey as receiver of the stolen property. The first confessed, and on the trial of the other two being proceeded on, Mr. Parry, Counsel for the prisoner Hurdass, took an objection to the indictment which stated the goods stolen to be the property of Dossabhoy Eduljee, whereas in evidence it appeared that they belonged to Dossabhoy Eduljee and his partners in trade, of the firm of Eduljee Cursetjee's Sons. The Court sustained the objection and a verdict of Not guilty was accordingly found as to the two last prisoners.

Hurjee Madoo Bhattia was found guilty of a Larceny.

Sebastian Martenho, a Mussaul in the service of Captain Weddell of the Ship Glenelg was convicted of a Larceny. The prisoner had robbed his employer of sundry articles of personal property.

Friday 18*th April* 1823.

The Court proceeded on the trial of Chandhoy, Noorbhoy and Sheriff Ally for dealing in slaves. There being no evidence to their being subjects of Great Britain, or persons residing under the Governments of India, so as to bring them within the statute, the prisoners were acquitted.

Thomas Flower Esq. for an assault committed on the person of G. F. Hughes Esq. Editor of the Bombay Gazette, was found Guilty.

The Court adjourned until Monday, when we understand, the sentences will be passed.

[*Bombay Courier.*

BOMBAY AMATEUR THEATRE.

It is indeed matter of great exultation to find the Drama patronised and encouraged to so munificent an extent in this part of the world, as has been the case for the last two years.—Plays, have succeeded to plays, each exceeding its predecessor in splendor, taste and elegance; the Amateurs improve so fast that they cannot fail shortly to arrive at the *acmé* of excellence; and almost all the best English comic Authors have had their plays performed in a style that would do credit even to the London Boards.

In this state of progressive improvement, it is not to be wondered at, that the immortal Bard of Avon's works should find admission to the Bombay Boards, and it was with ineffable delight that we visited the Theatre on Tuesday evening last to witness the representation of the first part of Henry 4th.

This play is calculated to please all tastes, so varied are the characters which compose it. Those who are fond of laughter, will find many opportunities to indulge their vein, in the irresistable wit and humour of Falstaff; the classical scholar can dwell upon the beauties of the King's speeches; the gallant will see himself personified in Prince Hal; and the soldier, "full of strange oaths and bearded like the bard," may look on Holtspur as his very image—Our purpose, however, at present is to dwell upon the performance of Tuesday, and not to descant on the merits of the play itself.

We are sensible that many persons decline to criticise Amateur plays, from a respect for the feelings of those gentlemen who devote their leisure to our amusement. But this is the very worst plan in the world to adopt, when we desire to see those Amateurs attain to eminence as actors; for

"An actor meeting no examination,"
"Rants, retains puffs, obtains a reputation,
"Despising critical dissection, plays"
"Riots in affluence and careless ease."

Thus, it is a point of favor, to give an impartial account of a performance here.

For dignity of carriage and correct reading, we will venture to assert that the representative of the King on Tuesday last, cannot be surpassed—He certainly seems formed to grace a throne, and if we may judge by the manner in which he expressed the words "Send us your prisoners, or you'll hear of it" equally fitted to command.—It would occupy too much space to point out every beautiful passage, but we cannot silently pass over his acting in the scene in which he holds "some conference" with his mad cap son.—There, grief was indeed naturally depicted, and it was with difficulty we could refrain from participating, with him, when he, for a moment, forgot he was a King, and gave vent to his paternal feelings.—One fault, however, the King's person had! his countenance was much too juvenile for that of the "father of the sweet young prince."—We would respectfully suggest the use of rather more white powder in future.

Hotspur was all we could have wished in his violent scenes, and excellent indeed in that with Lady Percy.—This gentleman delineates violent and impassioned character more naturally than any we have yet witnessed; but he is not quite so happy in the delivery of long, inanimate speeches—The reading of the letter is, however, an exception to this remark, and his scene with Sir Walter Blunt was by no means contemptible.—We cannot sufficiently extol the taste, and classic knowledge evinced by this gentleman in the costume of Hotspur.—It was indeed most splendid, and perfectly accorded with our notions of the armour of the "olden time"—While on the subject of dress, we seize occasion to express our unqualified delight with that worn by Lady Percy—Her ruff, long waist &c. seemed so perfectly in character, that it was hard to imagine the dress was made by any other than a lady of taste of the days of Henry the

4th—The part of Lady Percy itself, though short, was very coquettishly and prettily played,—and we had to regret we saw so little of it.—

" ———Young Henry, with his beaver on
" His cuisses on his thighs, gallantly armed,"

comes next under review; and fain would we rack our brain for hours together to finds terms sufficiently expressive of our admiration of his acting.—It was supereminently superlative,—as, indeed, is this gentleman's acting on all occasions.—To criticise it minutely would be an Herculean labour, we therefore, leave the task to abler hands, and proceed to state that Falstaff exerted himself so much to please us (and that successfully too) that we expected his " girdle would break."

The robbery on the road to London of the travellers carrying money " to the King's Exchequer" was carried through with much life-"Old grey-beard iniquity" though by no means too active in attacking the travellers, was most ludicrously industrious in taking sole possession of the booty. This scene; the one where Hall and he act the Prince's interview with his father, and " last, though not least," his scene in the field of battle with the body of Hotspur were inimitable, and elicited load peals of laughter and applause.—My Lord of Worcester was fortunate in finding a representative in the person of an Amateur of established merit. He was good, very good, in the argument with Hotspur and Northumberland; and his expostulation with King Henry was delivered in a style and with a perspicuity that would have pleased even Shakespeare himself.

The remaining characters were remarkably well filled.—Sir Richard Vernon by a young *debutant*, who acquitted himself to the satisfaction of the whole house.—His modest, diffident demeanor, told very much in his favor, and he promises fair to become an excellent actor.—The carriers and Francis were very naturally played, and excited considerable amusement.

Every thing, in short, appears to have been done to give effect to the play—the costume, decorations &c. were superb, and say much for the liberality of the managers.—The music was good, and the curtain dropped amidst plaudits " loud and long."

Bombay

ARRIVALS.—Major C. G. Butter, Invalid Battn.
Lieut. E. Stanton, Horse Artillery
Lieutenant Kelso, N. B. B.
Captain Wilkins, 1st Bombay Cavalry
DEPARTURES.—Lieutenant H. Clarkson 2d Bat. 2d Regt.
Lieut. W. W. Dowell 2d | 5th Regt.
Assistant Surgn. Wm. Carstairs, D. M. S. P. D.
Capt. H. Parsons, 47 h Regt.
P Mr. R. Mitton 47 h Regt.
Lieut. W. Murray 47 h Regt.
Lieut. F. Billamore 2 | 9 Regt.
Lieut. and Adjutant T. Billamore 2 | G. Regt.
Asst. Surgeon Rt. Liddell 2 | 11 Regt.

NAUTICAL NOTICES, CHRONICLE and NAVAL REPORT

Bombay.

ARRIVALS.—April 17th Ship Mermaid C. A. Harris, from Manila, 17 h January touched at Sincapore, Penang and Madras.

19 A Battel a from Muscat.

21 French Brig Susana, P. Nerac, from Bordeaux 7th Oct. touched at the Cape of Good Hope on the 7 h Jan. Colombo and Cannanore.

Do. Ship Theodosia, (Free Trader) Wm. Kidson, from Liverpool 23d Oct.

PASSENGERS.

Per Mermaid.—Mrs. Harris.

Per Battella—Capt. Wilkins, 1st Bombay Cavalry, James Ritchie Esq. Messrs. Eyles, and Lambert, late officers of the Travancore, lost at Muscat.

Per Theodosia, Mrs. Lawrie, Revd. Mr. Lawrie, of the Scotch Church.

DEPARTURES.—April 15, Ship Sumdaney, Edmund Dyer, to Muscat Bushire and Bussorah.

19, Ship Sultan J. Hodges, to Madras and Calcutta.

20. Ship Triumph (Free Trader R. Crosley to London.

PASSENGERS.

By Sultan.—Mr. Davenport, 3d. Officer of the Harriet.

Per Triumph.—Mrs. Onslow, Mrs. Kerr, Mrs. Sandwith, Mrs. Goldfrap, Miss Onslow, Miss Catherine Hicks, Major Onslow, 4th Dragoons, Major Falls, H. M. 20 Regt, Capt. Kerr, of 53d Regt. Capt. Goldfrap, H. M. 65 Regt. John Sandwith Esq. Lieut. Billamore N. I. Lieut Blane, M. Establishment Lt. Arbuthnot, M. Establishment Lt. Kennet, N. I. Ensign Beck, N. I.

SHIPS LOADING.

English—Ship Lowjee Family, for China
Cornwallis, for ditto.
Shaw Byramgore, for ditto.
Sulemany, for ditto.
Ann, for ditto.
Duryegan Castle, for Bengal.
Caroline, for Bussorah.
Harriet, for ditto.
Malabar, for ditto.
Futtay Rahemany, for Mocha.
Brig Ahmoody, for Penang.
Portuguese.—Brig Leticia for Macao.

Madras.

ARRIVALS.—April 5. Brig Lion, T. W. Stunt, from Cannanore 11th Feb. and Colombo, 9th March; 6. Ship Ajax, W. Gillet, from Cape of Good Hope 27th January.

DEPARTURES.—April 2. Ship James Drummond, G. Wise, for Calcutta; 6 David Scott, G. Bunyon, for London.

Bombay.

MARRIAGE.

On the 21st Instant Mr. Feleciano Joseph de Souza, Fourth son of the late Captain Antonio de Souza, to Miss Anna Maria de Silva, the Eldest daughter of Mr. Lorenço de Silva.

DEATH.

Friday, Donald, infant son of Capt. R. Sutherland, of the 1st Battalion 7th Regiment N. I. aged 17 months and 10 days.

Same day, the Infant Son of the late Captain Johnson aged 12 months.

Madras.

MARRIAGES.

On Saturday last, the 5th Instant, at St. George's Church, by the Revd. W. THOMAS, HENRY BYONE, of the Inner Temple, Barrister at Law, Esq. and of the Supreme Court Master, &c. &c. to ISABELLA SELINA, the eldest daughter of T. H. GOODINGE, of Londonderry, Esq.

On Monday, the 31st March, by the Revd. W. ROY Mr. J. H. WILLIAMSON, to Miss A. WRIGHTON, of Mrs. BALFOUR'S Seminary.

BIRTHS.

At Kilpauk, on the morning of the 7th Instant, Mrs. CHARLES PHILIP GORDON of a son.

DEATHS.

At Cuddalore, on the morning of Tuesday, the 1st April, WILLIAM FRENCH, Esq. of the Madras Civil Service

At Pondicherry, on the 4th Instant, aged 78 years and 3 months, The Chevalier DE BAUSSET of the *Royal Military* Order of Saint Louis, Principal Superintendent of the Roads, and Member of the Royal Court at Pondicherry, and Brother to the Cardinal DE BAUSSET, Duke and Peer of France.

Calcutta.

CURRENT VALUE OF GOVT. SECURITIES.

BUY.]—WEDNESDAY, APRIL 2, 1823.—[SELL.

Rs. As.		Rs.
Prem. 30 0	Six per Cent. Bengal Remittable Loan,	29 0

CIVIL APPOINTMENTS.

TERRITORIAL DEPARTMENT,

THE 26TH MARCH, 1823.

Mr. H. Newnham, Collector of Furruckabad.

Mr. H. J. Middleton Secretary to the Board of Revenue in the Western Provinces.

Mr. S. M. Boulderson, Collector of Bareilly.

Mr. J. Fraser, ditto ditto of Agra.

JUDICIAL DEPARTMENT.

MARCH 26, 1823.

Mr. John Hayes, Judge and Magistrate of the Zillah of Tipperah.

Mr. E. C. Lawrence, Fourth Judge of the Provincial Courts of Appeal and Circuit for the Division of Dacca.

Mr. S. Bird, Fourth Judge of do. do. of Moorshedabad.

Mr. C. Dawes, Judge and Magistrate of the City of Dacca.

SUPREME COURT.

CALCUTTA FRIDAY, MARCH 21st, 1823

Buckingham v. Proprietors and Editor of the John Bull,

In this case Mr. Clarke moved—" that the Defendants be permitted at the trial to give certain matter in evidence, as if the same had been specially pleaded." He stated that notice of this motion had been served on the Plaintiff's Attorney on Monday last, in which the matter intended to be produced was set forth, and also the object for which it was offered.

Sir Francis Macnaghten.—" This motion is made under a particular Rule of Court."

Mr. Clarke.—" I conceive My Lord that the 37th Rule on the Plea side authorizes it, and likewise that the Court has the discretionary power of granting it, even if that Rule did not exist. As my learned friends intend to oppose this motion, I must call your Lordship's recollection to some of the facts of the case: your Lordship must remember that last term I applied for further time to plead—this was opposed by the Plaintiff, and it was urged as a reason for the opposition that if further time was granted, the libel would thereby be kept suspended over the Plaintiff's head, and he would not have the opportunity of clearing himself of the imputations cast upon him. The Court seemed to attach weight to this assertion, and considering that the grounds in our affidavits were not sufficiently strong

to answer it, they gave us time to amend them, and to bring the motion forward again. My Lord, my Clients were desirous of coming into the Court with no unfavorable impressions against them, and therefore to shew that it was not their wish to prevent the Plaintiff from speedily clearing himself, they determined to forego the advantage of justifying, (which I had pledged myself to do if further time had been given) and accordingly on that very day pleaded the general issue. Instead of joining issue, and giving notice of trial, the Plaintiff delayed it, and afterwards sent us short notice. Mr. Abbott the Defendant's Attorney perceiving the defect returned it at the moment, as is always done in the usual routine of business, but immediately recollecting the desire of his Clients not to delay the Plaintiff, he wrote to Mr. Comberbach his Attorney, that he would accept his short notice and bring the trial on. This was done, my Lord, within half an hour of the first rejection. But no, the Plaintiff was willing enough to clamour about the delay when it was useful to prevent us from justifying, but in point of fact he was in to hurry to bring the trial on. He actually, my Lord, refused to take our acceptance of his short notice, he went still further and would not let the trial come on this term, but gives us notice a few days ago for the sittings after the term. By his own act and deed I contend, that he has proved the excuse which he set up here to be fallacious, that it was in consequence of that excuse we have been deprived of the advantage of justifying, and therefore if the Rules of the Court will admit of our giving this matter specially in evidence, we are, from these circumstances entitled to have the benefit of that Rule."

Sir Francis Macnaghten.—" Mr. Clarke, the Court gave you time to mend the grounds of your affidavit which were very weak, and you might have done it if you chose."

Mr. Clarke.—" Certainly my Lord. But as your Lordship must recollect the plaintiff having charged us with endeavouring to retard his exculpation of himself, we were resolved to come into the Court clear of that suspicion, and therefore gave up the advantage of justifying, whereas his subsequent conduct proves—

Mr. Turton.—" Have you an affidavit of these facts ?"

Mr. Clarke.—" Here it is. I submit to your Lordship that the merits of the case are sufficient to entitle us to the permission for which we seek, and that the Court have the power to grant it both under this Rule, and the general practice of the Court. It rests with my learned friends to shew that the Court has not the power, and I will then reply to any objection which they may offer."

Mr. Fergusson.—" My lord, I never heard."

Mr. Pemberton.—" Stop Mr. Fergusson till you hear me, I have some words to say on this affair as well as yourself. My Lord the Rule is this. " That no special matter be given in evidence upon the general issue in actions of trespass which according to the practice in the Courts of England ought to be specially pleaded unless by leave of the Court for that purpose first had and obtained, and that the party who shall apply to this Court for such leave shall give at least four days previous notice in writing of such his intended motion to the opposite party or his Attorney, and shall in such notice fully state such special matter." Now my Lord I contend that the exercise of the power given to the Court under this rule, is not confined to that description of action which is generally called an action of tresspass. I conceive that the words extend to actions of trespass on the case, in which the Plaintiff may have sustained any injury. This Rule is one of the Original Rules, and was made to give the Court the power of exercising a great latitude in affairs of Pleading. Not My Lord, that we want any latitude or to escape drawing a difficult plea, for my learned friend I am sure is as capable of it as any man in Court—and your Lordship recollects that we applied for further time for that purpose. But it is the Plaintiff who was driven us to this course. I believe that the Court has the power to grant this permission in any form of action, be it *assumpsit* or what it may, I will refer your Lordship to the 82nd Rule which states " that no special matter be received in evidence on the general issue in virtue of a Rule for that purpose, unless a true copy of the Rule containing such special matter be severally delivered to each of the justices of this Court, at least four days before the trial of the cause."

Sir Francis Macnaghten.—" But does not that refer to the former Rule which says actions of trespass."

Mr. Pemberton,—" No my Lord, there is no reference whatever. It is a Rule made in a different term, without the least reference to any other part of the book, it neither states one form of action or the other, it must therefore allude to all forms of action, and clearly shews that the Court is in the habit of granting this permission in every kind of action, because it regulates the subsequent proceedings after the permission has been obtained. We may therefore my Lord rely on both these Rules, one of which is direct on the point, and the other shews the general practice of the Court and as we may come in under either, I submit to your Lordship that this application should be granted."

Mr. Fergusson.—" My Lord, my learned friend has complained that through our conduct the defendants have been deprived of the advantage of justifying, but surely he must have forgotten that they had the whole term to plead. Could they not justify in a whole term, why my Lord, as to what they want to justify, a barbers' boy could have done it in half an hour, merely to copy out a few pages of our publications, and this forsooth is what our conduct prevented them from doing after they had a whole term for this copying work. As for the Rule, my Lord, it is high time that it should be struck out of the book, it is in direct contradiction to the practice in the King's Bench. It admits of parties coming here on loose motions to strike at the root of every principle of pleading. But my Lord, bad as the Rule is, it is not so bad as my learned friend would make. He would extend the evil, to every species of action, but the words confine it to actions of trespass only. There cannot be a greater difference between any two things than between actions of trespass and actions of trespass on the case. All the Reports are most accurate in distinguishing it, the one is called trespass, and the other is called case, and every Attorney knows it and so distinguishes them. There cannot be a doubt on the subject as to what this Rule refers, and did there exist a doubt, it should be cleared up and the Rule narrowed. Besides my Lord, this Court is bound, is compelled, to follow the Rules of the Court of King's Bench, and my learned friend will not venture to assert but that this is in direct violation of these Rules. Had this been pleaded specially we could have replied to it, and justified it, but now we could do no such thing. The object of all Pleading is to bring the issue to a single point, but here as we can not reply, there is no point at all, but all is vague and undefined. The matter which they wish to offer is no justification, they say we will prove you have libelled other people, and what if we had done it. I know that Sir James Mansfield has said that it diminishes damages.

Mr. Clarke.—" There is another case."

Mr. Fergusson.—" If they had pleaded this, we could have demurred to it, because it was not a justification. My Lord, what they propose is not a justification, and if it were, they have no right under the words of the Rule, and such a practice ought to be stopped."

Mr. Turton.—" My Lord, I will not occupy the time of the Court; I think my friend Mr. Fergusson has settled the question."

Mr. Clarke.—" May it please your Lordship, I shall generalize the arguments of my learned friend, which appear to me to apply to these three points. 1st. that the words of the 37th Rule do not invest the Court with the power of granting this application, 2dly that the Court have not the power exclusive of this Rule, but are restricted by the practice of the King's Bench, and 3dly if either of these positions be incorrect, that from the circumstances of our case we are not entitled to claim the benefit of the practice supposing it to exist. As to the first, which relates to the Rule itself, I must call your Lordship's attention to the express words," " In *actions* of trespass" here " actions" is used in the Plural number, and it is used in the Plural number to specify either more than one action of trespass, (as an action by *A*, another by *B*, another by *C*) or else to describe more than one species of that form of action, (as an action of trespass and an action of trespass on the case) my Lord it would be ridiculous to suppose that the Plural was used in order to shew that the Rule was to be applied to more than one solitary action, and that B and C might have their action as well as A. No, if it had given A, then B and C would have been entitled of cource, and the expression would have been " *in an action of trespass*" But the words are " *actions of trespass*," that is in all the species of actions of trespass, such as trespass, trespass on the case &c. &c. My learned friend says they are so distinct that every Attorney knows the difference. Granted, that they are distinct, but not so distinct, as to let one, but not the other, come under this rule. Suppose an action is brought for a trespass in my field, or a libel on my character, let us see the difference between these two actions of trespass. They are both to recover damages for a wrong action. And the difference is that the jury in the one case is to a corporeal, and in the other to an incorporeal hereditament, for I have a property in my character, as well

as in my field, and the Law will give me a compensation for an injury to either. Now my Lord I contend that the actions are so similar that the Rule ought and must apply to both. The same species of defence can be set up to either, namely justification, and it would be an anomaly to make this Rule for one and not for the other, when they are so nearly alike. Then my Lord comes the 82nd Rule.——

Sir Francis Macnaghten, " That undoubtedly relates to the 37th.——

Mr. Clarke,—" As your Lordship thinks so, I will not press my observations, but come to my learned friend's 2nd objection, that this Court is bound by the practice of the Court of King's Bench. On Tuesday last, on a motion for a new trial, when Mr. Turton mentioned that doctrine, your Lordship told him that this Court was not bound by the practice of the King's Bench."

Mr. Turton.—Yes, but that was on the point of costs."

Sir Francis Macnaghten.—" I certainly only meant on the point of costs. I should follow the Rules of the King's Bench where they were not contradicted by our own on every occasion, excepting in the case of costs.

Mr. Clarke.—"I certainly understood your Lordship's observation to be more general, but as I was mistaken I must rest my argument on the construction of the 37th Rule, which I have offered.—Then My Lord, since My Learned friend's second objection avails him I must come to his first. That if this rule can be extended to us, it ought not be so under the circumstances of the case.—I have detailed to your Lordship the manner in which the Plaintiff acted, that it was his fallacious pretext of wishing to clear his character, which placed us in the situation in which we stand. This part I shall therefore leave, only remarking on the solitary observation which fell from my learned friend. He said we might have justified that which we are now applying for in half an hour, and therefore nothing which they did could now be prevented on the ground of time. When we applied for time to plead specially it was not with the intention of confining our pleading to this point alone. There was the charge of fraud, and various other charges which we were desirous to justify, and I pledge myself of the truth of this, for the application was made by my advice. When the Plaintiff drove us from those other points of justification he drove us from this also. And the reason why this motive does not embrace more matter is, that we wish it to be simple. We do not wish to produce any thing, even in our own defence, of which the Plaintiff might be ignorant, but it is his own words —his own publications—not as an attack on him, but as a defence for his attack on us. Can any thing be more reasonable—the Courts always shew the greatest latitude in defences, and strange it is, that a man must not defend himself, from an accuser, by shewing what that accuser has done. It argues my Lord, that they are strongly afraid of their own conduct. My learned friend says he would have demurred if we had pleaded this matter.—I will tell him that his demurrer would have been over ruled. What,—has he not set forth in his declaration that we have libelled his client by asserting him to be " the base traducer of the good name of others." Is this charge a libel or not—if it be, we have right to justify—if it be no libel how comes it there? But my Lord it is the worst part of all the libellous matter.——

Mr. Fergusson.—" I think so."

Mr. Clarke.—" And therefore I think we ought to justify it. It strikes at the man's character in such a manner, that were it true, the public should cease to support him and expel him from society—and the more libellous it is, the more important is it to justify. What would become of the demurrer in such a case as this. I therefore submit that we are not asking for that, by motion, which we could not have done by pleading. But my Lord there is John William's case.

Mr. Fergusson.—" If you quote cases I shall reply."

Mr. Clarke.—" I quote in answer to your assertion about the demurrer."

Mr. Fergusson.—" I shall reply."

Sir Francis.—" You have a right if Mr. Clarke quotes cases."

Mr. Clarke.—" I shall not detain the Court My Lord, but conclude with contending that our motion is so moderate, and asks so little, that in fairness it ought not to be refused—and more especially as we are reduced to a dilemma by the conduct of the Plaintiff, and that the 37th Rule certainly gives the Court the power of granting our motion.

Mr. Fergusson.—" I merely rise to declare, that I do not oppose this motion on account of any thing which has appeared in the Calcutta Journal—I should not care if it was all before the Court—My opposi ion springs from a dislike to this loose and dangerous kind of practice—I would do the same for the value of five Rupees."

Mr. Clarke.—" You objected in the same manner before, we granted to plead specially. Whatever motive your objection springs from, they are still all made to a justification."

Sir Francis Macnaghten.—" On looking at the 82nd Rule I am clearly of opinion, as I stated before that it refers to, and must depend on the 37th—and I am very much inclined to think that the 37th is intended to be confined to actions of trespass only, and ought not to be extended to this Case; the distinction about the singular and plural number, as drawn by the learned Counsel, is too nice to be depended upon. I cannot admit it as a rule for construction on so important a case—(there was here so much talking in the part of the Court we were in, that we could not accurately catch what fell from the learned judge, but we understood him in the course of his observations to say, that if it were requisite for the defence, and strong reason could be urged for it, he thought he might permit defendants to give evidence in this manner.) But his Lordship said he could not do it in this case—the defendants might have pleaded—they may still do it if they please. But as for this point, if they produced the grossest libels written by the Plaintiff it would not justify their libels. He saw no grounds for the case at all—(Here again from the low tone in which his Lordship spoke, and the talking which still continued, we lost what his Lordship said.) But he refused the motion. At the conclusion his Lordship asking Mr. Clarke why he did not withdraw his Plea if he wished to justify—Mr. Clarke observed that he was not instructed to do so by his clients, but he would mention the matter again in half an hour—It was the refusal of the time alone, which prevented them from justifying—It was his wish to have justified the whole, as he thought they could have done it.

Mr. Turton.—" Do not say so, or you will be attacked for slander."

Mr. Clarke.—" What I said was in reply to his Lordship, and I repeat it, that in my opinion every line could have been justified."

Mr. Fergusson.—Your Lordship will give us costs."

Mr. Clarke.—Your Lordship will never do it in so doubtful a point and where you seem to think—

Sir Francis.—" I must do it.—*John Bull. Beng. Hurk. March 27.*

THE POST MASTER GENERAL'S RUSTIC BRIDGE OF TENSION AND SUSPENSION FOR FOOT PASSENGERS, LIGHT CATTLE. PALANKEENS, EMPTY CARRIAGES, &c.

In our paper of the 7th instant we noticed the construction of this expermental structure on the Esplanade fronting the General Post Office.—The sudden setting up of this Bridge has very agreeably surprised the town; we say *sudden*, because in our usual drive on Tuesday evening nothing was apparent but the Standards—yet at early dawn yesterday an Arch of 160 feet, being the span between the points of suspension, was full in view *with colors flying*. It seems that the graduating strands composing this arch had not been publicly seen, until carried out by moon light, and then set up solely by hand, within a few hours. The weight of the platform, added to the effect of the *Sun*, or rope, not yet sufficiently stretched, and to which the power of the windlass has not yet been applied,—occasioned the Arch to dip two or three feet: but this dip or curvature will perhaps only remain in a small degree after three or four days' setting up. Numbers of people passed over, and *the Inventor*, to prove his confidence, was the first to be carried over in his Tonjaun, with the usual number of Bearers, a man with a *Chattah*, and several peons, and followers—The motion is undulating lengthwise, and perhaps less disagreeable than a jarring vibration. The width of the platform need not have been so great but it will afford confidence to passengers when above a Torrent, especially if any lateral motion occurs, which at present is inconsiderable, and the additional weight is in fact of use to steady the whole, besides the advantage of passing over carriages. So favorable a result, in the first experiment is perhaps the best proof of the accurracy of the principle adopted and acted upon, and the effect is very satisfactory to lookers on. Since from high banks any inconsiderable dip will be immeterial, and where the banks are low, the machinery may be raised to the necessary height—No Pier heads, or abutments, appear to be required as the Standards are placed far back on the banks. We congratulate the public on so valuable an acquisition, which at a trifling expence to Government, will eventually afford to Travellers in Palankeens, Foot-passengers, Mail Carriers. &c. the means of passing Torrents and Nullahs in any position on the Benares, or other great roads, if the span be not too great. It is but justice to add that the design of this useful scheme is entirely due to the Post Master General, who has thus made a valuable present to

the Post Office Department. The Model was constructed in December, and the Bridge itself is now raised into practical use under all the incidental difficulties, and delays of Native Carpenters. &c.—Professional Mechanics may now construct a dozen in less time to any Span within 200 feet—*Govt. Gaz.*

[*Bengal Hurkaru, March* 28.

Madras.

CURRENT VALUE OF GOVERNMENT SECURITIES.

WEDNESDAY, 9TH APRIL 1823.

Six per Cent.

Bengal Remittable Loan .....*Premium* 30

Six per Cent.

Loan dated 31st March 1822, ...*Premium* 5

APPOINTMENT.

Mr. P. Grant, Head Assistant to the Collector and Magistrate of Madura.

FORT ST. GEORGE, THE 8TH OF APRIL 1823

THE HONORABLE THE GOVERNOR GENERAL IN COUNCIL has received, with sentiments of deep regret, the mournful intelligence of the Death of the *Honorable* WILLIAM THACKERAY *Esquire*, a Member of the Council of this Presidency, which lamented event took place at Sea, on the 11th of January, on his passage to the Cape of Good Hope for the recovery of his health.

The Governor in Council directs, as a mark of respect to the memory of the deceased, that the Flag of Fort St. George be immediately hoisted half staff high, and continue so until sun-set this evening; and that Minute Guns, forty seven in number, corresponding with the age of the deceased, shall be fired from the Ramparts of Fort St. George.

By order of the Honorable the Governor in Council.

E. WOOD,
CHIEF SECRETARY.

Mad. Govt. Gaz. Ex. Thusday, April 8.

His Highness The NABOB arrived at Trichinopoly on the 14th ultimo, and occupied the Palace in the Fort—On the 26th *His Highness* gave a Grand Dinner to the Society of the Station. On the cloth being removed, Mr. Grant, by permission, proposed the Health of *His Highness*, prefacing the *Toast* nearly as follows.

"Gentlemen, I crave your attention to a toast, which I am quite satisfied will be received with the respect, and consideration, that are so eminently due to the illustrious individual who is the object of it. Gentlemen, we are now assembled in the palace of His Highness the Nawaub of the Carnatic—Under the hospitable roof of the descendant of a long line of illustrious ancestors, the ancient allies, and favored friends of the British nation!! His Highness the Nawaub, our illustrious host, cherishing in pristine warmth, the friendly feelings of his illustrious ancestors, has this evening, in the most gracious, and condescending manner, assembled us around his august person, upon a footing of great cordiality and extreme kindness! His Highness, in the pure spirit of innate goodness, has thus evinced to us, by an act of social courtesy, an amiable, and polite condescension, the true, and genuine characteristick of an exalted and noble mind! Such princely affability, Gentlemen, on the part of His Highness, cannot fail, I am sure, to be deeply felt and duly appreciated. It must be necessarily in a high degree gratifying to the feelings of the present Company, who have been honoured in so peculiar a manner, by the distinguished consideration, and kind condescension of His Highness.

I therefore propose, as a mark of the respect which we must all entertain towards His Highness, that we drink a Bumper* to the health of His Highness the Nawaub of the Carnatic; expressive of our hope and wish, that the dynasty of His Highness, may continue to prosper—and that it may be perpetuated, in the person of His Highness, so long as the Sun, and Moon, shall endure."

Gov. Gaz. April 10.

Java.

The following melancholy account, contained in a letter from Java dated the 6th January, has been communicated to us.

"We have lately been alarmed by the breaking out of several Volcanoes in different parts of this Island; occasioning much distress and killing many people. The first was in the district of Sumadang, about 54 miles from the Pamanokan Estates; it broke out on the 8th November and destroyed a fine district of the Government lands—kept encreasing, till the the 12th, when the entire population for 17th miles round, was buried under the burning Lava.—Two hundred villages and from 5 to 6,000 inhabitants were annihilated in one night. On the 28th ultimo, an eruption took place in another direction near to Solo, and has killed about fifty people, and on the night of the 30th we were completely shaken out of our beds by an earthquake, and the awful appearance of the sky being on fire all around us. All the inhabitants of Batavia left their houses in dismay. We have not yet heard the effects of this last Crash, but hope it was on one of the adjacent Islands or far in the interior."

[*2nd. Sup. to the Gov. Gaz.—April* 3.

English News.

THE MORNING CHRONICLE.

DECEMCER 9 1822.

We received last night the Paris Papers of Friday, by express.

The *Moniteur* contains an extract of a letter from Perpignan, announcing the complete triumph of the Constitutionalists, the retreat of the remains of their enemies into the French territory, and that "the French troops were under arms on all the points where the combats took place."

These papers communicate another piece of intelligence of no small importance, namely, a Letter from Mr. Canning to the Portuguese Charge d' Affairs in London, assuring him, "that from all the news received by the British Government, *nothing justifies the idea entertained by his Most FAITHFUL MAJESTY and his Ministers of an invasion in the Peninsula*," and that "the undersigned does not hesitate to assure his Most FAITHFUL MAJESTY, that his Majesty the King of GREAT BRITAIN *will never see with indifference any attempt whatever against the independence of Portugal*, and that his MAJESTY will always be ready to grant to Portugal, *the protection which it has a right to expect from a nation, its ally.* This certainly in a most important document. It pledges the English Government in the most unequivocal manner to make common cause with the nations of the Peninsula.

Notwithstanding an Ordonnance in the *Moniteur* for calling out 40,000 Conscripts, still the opinion gains ground in Paris, that war will yet be avoided.

The following are said to be the demands of France:

1. The restoration of the King to his personal freedom, without delay: for it is now distinctly understood, that he is in a state of confinement in his palace of the Retiro.
2. The restoration of the King to his sovereign rights.
3. Such a change in the Constitution of Spain as shall give to the Nobles a great share of the power they possessed under the old regime.
4. The exclusion of the present Ministers from office, or at least, most of the Heads of the different Departments.
5. An amnesty for all persons, of whatever rank, engaged in the cause of the Regency.
6. A more strict regulation of the laws relating to the Press.
7. The possession of certain strong places on the frontiers of France, as a guarantee for the performance of any undertaking into which the Spanish Government may enter.

THE COURIER,—SEPTEMBER 21.

THE ARMY.

ORDERS FROM HEAD QUARTERS.

As these Orders and Regulations are applicable to all stations where the Army may be employed, no reason can exist, nor will any excuse ever be admitted for departing from them in any particular whatever; and his Royal Highness the Commander in Chief holds all General Officers employed on the Staff, and all Commanding Officers of regiments strictly responsible, that they shall be invariably obeyed and adhered to in all the more detailed instructions which may be issued from time to time in local commands, or to brigades and regiments, for the general arrangement of discipline and interior economy.

By Command of his Royal Highness the Commander in Chief.

(Signed) HENRY TORRENS, Adjt. Ge[illegible]

ORDERS RESPECTING OFFICERS ARRIVING IN GREAT BRITAIN OR IRELAND FROM FOREIGN SERVICE.

Officers arriving in any of the ports of Great Britain or Ireland from foreign service, in the command of divisions of the army, brigades, regiments, or detachments, shall on no account quit their commands until they have reported their arrival, and have special leave from the Commander-in-Chief to that effect.

Officers commanding regiments or detachments on arriving at any sea-port or military depot, are to make an immediate and particular report of the

* With three times three.

state of the corps under their command, to the General or other Officer commanding.

Officers, on their arrival at any sea port, are immediately to report themselves to the General or other Officer in the command of the troops, if of a rank superior to themselves. They must, during their stay at such place, constantly appear in their proper uniforms, and must, in every particular, conform to the regulations and discipline of the garrison.

All Officers returning from a foreign station (except when they return with their regiments), are required to report, in writing, to the Adjutant-General, their arrival in Great Britain or Ireland, and the cause of their return from abroad. If they have returned on leave of absence, they must state by whom such permission is granted, and for what period; they must leave their addresses with their respective agents, to whom, in case of their changing their places of residence, they are immediately to give notice. They are also to report themselves; either personally or in writing, to the Colonels of their regiments, if their Colonels are not on foreign service.

When a regimental Paymaster returns home from a foreign station, he is to report to the Secretary at War, as well as to the Adjutant General, and to the Colonel of his Regiment, the authority under which he returns, and the period for which he may have received leave of absence.

All Medical Officers, returning from a foreign station, are required to report their arrival, the authority under which they return, &c. to the Director General of the Army Medical Department, as well as to the Adjutant General, and to the Colonels of their respective regiments.

LONDON, October 10.

Court Martial on Captain John Jebb, of the Royal Horse Guards Blue.

Hyde-park Barracks, Tuesday, Sept. 24th.

A General Court Martial commenced its sittings this morning for the trial of Captain John Jebb, of the Royal Horse Guards (Blue), on the prosecution of Colonel Sir R. C. Hill (brother of that distinguished General Lord Hill), which was composed of the following officers:—

President—Colonel Hon. H. B. Lygon, M. P. 1st Life Guards.

Members:

Lt.-Col. C. Hill R. H Gds.	Lt.-Col. Drake, R H. Gds.
Major Oakes, 1st L fe Gds.	ol. Vyse 2 Life Gds.
Captain Wya t, do.	Major M'Neil, do
Captain Cox, do.	Visc Barnard, M. P do.
Captain B lock, do.	Captain F Evelyn, do.
Hon. A. C. Legge, do,	Captain A. Chichester, do.
G. Lord Bingham, do.	Captain T Marten, do.

The Right Hon. J. Becket, Judge Advocate General to the Forces,—Deputy, J. A. Oldham, Esq.

The proceedings commenced as usual, by reading his Majesty's warrant, after which the Members and the Judge Advocate were sworn. —The charges were then read, of which the following is a copy, verbatim:—

1. For neglecting to comply with a Regimental Order, dated the 18th of April, 1821, respecting the settlement of his regimental debts due to the clerk of his troop, though frequently applied to by the clerk of the troop for that purpose.

2. For disgraceful conduct, in giving two drafts to the messmen of the regiment, on the agents, which drafts, were dishonoured, about the 24th of June and 7th of July, 1822.

3. For being repeatedly absent from his regiment without leave, in the year 1822; all such conduct being highly prejudicial to good order and military discipline, and unbecoming the character of an officer and a gentleman.

Previously to administering the oath to the Members, the Judge Advocate addressed the prisoner, saying that it was his duty to announce to him, that if he had objection to any Member of the Court, it would be proper for him to mention it when their names were called over, and before they were sworn.

Captain Jebb then intimated, that he objected only to two of the Members, whose names had been mentioned—namely to Lieutenant Colonel Clement Hill and Lieutenant-Colonel Drake. His grounds of objection were these: first, that as the charges had originated in misconception, Lieutenant Colonel Hill, as brother of the prosecutor, might be influenced by that misconception; secondly, that Lieutenant-Colonel Drake had already decided on the charges; and, lastly, that a round robin had been signed by all the officers of the regiment against him (the prisoner) and that he presumed those two officers were parties to that instrument, and, therefore, prejudiced against him.

Captain Jebb, in confirmation of his third objection, put in the following paper, which was without signature, and which was the instrument to which he alluded as the round robin signed by his brother officers. It was directed to Col. Sir R. C. Hill.

"Sir,—In consequence of the communication you were pleased to make to me respecting a debt due by Captain Jebb to Captain Goff, of the 3d Drags. we, the officers of the Royal Horse Guards, intimated to Capt. Jebb, that if the said debt was not satisfied by the 25th instant, a statement of the circumstance should be laid, formally, before the Colonel of the regiment. No notice having been taken of this intimation by Captain Jebb, and his debt of 300l. still remaining unpaid, although contracted for three years and upwards, we feel it incumbent on us to lay before you our unanimous sentiments on the subject. We are of opinion that Captain Jebb has no just reason for not paying his debt of honour to Capt. Goff, and we feel it our duty to lay this statement before you as the Colonel of the regiment, on account of the continuance of such ungentleman-like conduct in neglecting to satisfy the just demands upon him."

Captain Jebb said, with submission, that this paper had been given to him by the Adjutant.

The Court was then cleared to consider the objections stated, and, on the re-admission of strangers,

The Judge Advocate announced that the Court was of opinion that the objections were not of such a nature as to warrant them in precluding the officers mentioned from sitting as Members. He observed particularly with respect to the letter addressed to Colonel Sir Robert Hill, that as this was without signature, and had no reference whatever to the charges before the Court, it could not be considered as a ground for objecting to any of the Members of the Court—the more especially as in the discharge of their duty, they would have to act under the solemn sanction of an oath. Having thus decided the question of form, the officers themselves would act as their own feelings suggested.

Lieut—Colonel C. Hill said he considered the objection as against him of an extraordinary nature: first, because he was no party to the round robin alluded to; and, next because he did not think it possible for any officer, in the dicharge of a solemn duty, and under the obligation of an oath, to be influenced by misconception, or any unfair or dishonourable prejudice. Nevertheless, as Captain Jebb might feel, what he could but think, under all the circumstances, a very unwarrantable doubt on the subject, and the Court having decided the point of form, that there was no legal ground for his rejection, he trusted he might be permitted, voluntarily, to withdraw himself from their body.

Lieut-Colonel Drake also felt it his duty to protest against the extraordinary objection made by Captain Jebb. As far as respected his having decided on the charges, they were utterly without foundation, for he had come to no such decision. He could not but think with Lieut. Col. Hill, that Captain. Jebb paid a bad compliment to his brother officers in supposing that, in the dicharge of their duty as Members of that Court, and under the sanction of an oath, they could, for one moment, suffer themselves to be biased by any feeling, save that which the evidence brought before them might fairly warrant. With this expression of his sentiments he like Lieut. Col. Hill, entreated permission to withdraw.

The Judge Advocate having put the request of these two Officers (which was extremely creditable to them) to the Court in a formal manner, the Court assented to their withdrawing; but.

The President, in announcing this acquiescence, said he could not but think the objections to their remaining were of a very singular nature. The course they adopted, however, he thought highly honourable to their character.

Mr. Scott, who attended as counsel for Capt. Jebb, said the objections were not without precedent, and was proceeding to make some further remarks, but was stopped by the Judge Advocate, on the ground of irregularity. The remainder of the members were then sworn, and the case proceeded.

Colonel Sir R. C. Hill shortly addressed the Court, and expressed his great regret in being, for the first time in his life, placed in the character of a prosecutor. He now acted only under the dictates of paramount duty. He then called his witnesses.

Adjutant Hirst, the first witness, was called to produce a regimental order of the 18th of April 1821, dated at head quarters, Cavalry Barracks, Windsor. It related to the first charge, and directed that the troop debts should be settled every three months, and that the clerks of troops should assemble on the 8th of January, 8th of April, 8th of July, and 8th of October, for that purpose.

Quartermaster Speed was then sworn and examined. He had regularly presented the accounts to Captain Jebb, who had not settled them, nor taken any steps, according to the order.

The troop book was then produced, and the Quartermaster pointed out an account which had run from the 24th of March 1820, to the 8th of June 1821. During the whole of this period it had remained unsettled, contrary to the order previously produced. It was ultimately settled after repeated notices from the Colonel.

Cross-examined for the prisoner; Capt. Jebb saw the books every quarter, and he knew the regimental order for quarterly payment. He never pointedly asked Capt Jebb for payment, as he was his captain, and witness only clerk of his troop. Captain Jebb had at times applied for his account, and when he did he got it: he did not pay at these times immediately; the last money due to witness was on the 24th of June, he did not receive it till the 19th of August. On being asked whether he had ever suffered any thing from the non-payment of Capt. Jebb's accounts?—he answered that he had very much in his character, and in confirmation of this he produced the following letter from Mr. T. Jennings, a brewer at Windsor, addressed to him and dated "Windsor, 4th of June, 1821"

"Sir,—We consider ourselves extremely ill treated respecting Captain Jebb's bill for 70l. which we cashed for you some time since, and which has now remained over due a fortnight. In consequence of such conduct, we shall immediately report your behaviour to Sir Robert Hill.

Witness in continuation, said he thought this was an injury to his character, as he had previously bore an excellent character. He showed this letter to Captain Jebb, and he believed the money was paid on the 8th of June.

Captain Jebb asked the witness if ever, in any transaction with him, he had acted otherwise than became an Officer and a Gentleman.

The Judge Advocate begged to intimate to Capt. Jebb that the witness was not the person to Judge of his conduct as an Officer and a gentleman. This was matter of opinion. This witness must confine himself to facts, and the Court would form that judgement which the facts warranted.

Captain Jebb, in continuation, asked the witness whether it was the custom of the officers of the regiment to pay their accounts strictly according to the order which had been read, unless they were requested so to do.

The witness answered, "The other officers always paid regularly—I speak as far as regards my own troop." The witness then referred to the book, which confirmed his testimony, the accounts appearing all to have been settled on the quarter day.

In answer to a question from the Court, the witness said he had received no money on account of Captain Jebb between March, 1820, and June 1821.

Captain Jebb's further examination: Believes Captain Jebb said, if he wanted money he might have it.

Examined by the President; In your opinion, was shewing the account to Captain Jebb, a sufficient season for his settling it?—"I did not presume to ask. I was under him as clerk, and I did presume that showing my account was sufficient."

Witness withdrew. On the second charge.

Corporal John Bull proved that he had received two drafts from Captain Jebb, one for 25l. and the other for 32l., on Messrs. Cox and Greenwood's which when presented were dishonored. These were for the payment of the mess account. The circumstance was reported at mess; Captain Jebb was fined two guineas for not paying his account, which was over due a fortnight: this was the usual penalty, and an order was made that he should pay his account by a certain time: he did not pay it at the time so ordered, but he did in half an hour afterwards.

Corporal Mayor confirmed the last witness.

Mr. Pyle, clerk to Cox and Geenwood, proved the presentation and non payment of the checks; but in cross-examination, admitted that there, were at the time, in the hands of his employers two drafts of Captain Jebb's, amounting to upwards of 500l., which Captain Jebb sent to be discounted. Messrs. Cox and Greenwood declined discounting them, and they were subsequently presented and dishonored. Captain Jebb now owed a balance of about 10l. or 15l.

On the third charge it was proved by Adjutant Hirst, that Captain Jebb was absent on the 2d and 3d of March, from the 16th to the 19th of April inclusive; from the 30th of June to the 18th of July inclusive, and from the 6th to the 9th of August inclusive. In June and July he was absent contrary to the express directions of Sir R. C. Hill; he had asked for leave, but was refused, as there was no other officer to take his duty.

Cross examined for the prisoner: Did not recollect him to have been ever absent without leave before, since he had been in the regiment, which was ten years; nor that he had asked leave since the regiment came from Windsor.

The case for the prosecution being closed, the Court adjourned to Thursday to allow Captain Jebb an opportunity of preparing his defence.

Thursday, Sept. the 26th.

On the assembling of the Court this morning,

The Judge Advocate stated that a complaint had been made to him by Lieut. Col. Drake, of an incorrect report of their proceedings at their former meeting having appeared in a respectable morning paper, in the course of which there were several material omissions, but one in particular, which must operate to his prejudice. Captain Jebb had accused him of having already decided on the present charges, which accusation he had rebutted at the moment. The accusation had been published, but his contradiction had been omitted. This omission he was desirous of supplying, and requested that he might be permitted so to do in a public manner.

The Judge Advocate took this occasion strongly to animadvert on the great inconvenience and impropriety of publishing the proceedings of Courts Martial before the whole case was concluded—it was a practice alike unjust to the prosecutor and to the accused. He presumed the gentleman whom he saw taking notes of their evidence had not heard the contradiction to which he alluded, and certainly was surprised that he should have infringed a rule which, from his knowledge of Court Martials, he must have known to be constantly observed.

Lieut. Col. Drake was then called in, and desired again to state most positively, that he had come to no decision whatever on the charges against Captain Jebb.

Captain Jebb then asked Colonel Drake if he had not expressed his opinion on the subject in in the riding house?

Lieut. Col. Drake answered in the negative.

[As the Judge Advocate had, in the course of his observations, made a pointed allusion to the reporter of "The Observer," who was the only reporter for the public press present, that gentleman felt it his duty subsequently to assure the Judge Advocate, in the most solemn manner, that he had been in no way instrumental to the improper publication to which reference had been made; and he added, that it was to him a perfect mystery how the proceedings had obtained publicity, as the only persons taking notes, besides the officers and members of the court, were the clerk of Mr. Scott, Capt. Jebb's counsel, and himself.

Captain Jebb was now about to enter upon his defence; but previous to this, several of the officers of the court desired that some further enquiry might me made as to the charge of his being absent without leave.

Lieut. and Adjutant Hirst was then called in, and in answer to a question put to him by Sir R. Hill, said he recollected his (Sir R. Hill's) delivering a message to Captain Jebb, relative to a communication from the Duke of Wellington, on the subject of his being absent without leave. It was a long detail. He considered it a reprimand to Captain Jebb from the Duke for being absent without leave, and some other circumstances. Could not recollect the conversation, but the terms were a reprimand.

Colonel Sir Robert Hill, the prosecutor, was then sworn and examined: on being asked by the court whether any communication had been made by him to Captain Jebb from the Duke of Wellington on the subject of the reprimand spoken to by the last witness, he said he could not say whether it was on the first or second absence. He then referred to the letter of the Duke of Wellington, which he produced. He said the whole of this letter had been read to Captain Jebb in the presence of the officers of the regiment.—The letter was then put in, and the whole was read by desire of Captain Jebb. It was to the following effect:

"London, May 10, 1822.

"My Dear Colonel,—After you had made known to me the circumstances which had occurred in relation to Captain Jebb, I received a letter from that officer, dated 25th April, which I communicated to you, and I desired you to lay before me documents which could enable me to form a judgment on the transaction to which that officer referred in his letters.

"It appears from the documents, first, that not the field officers, as stated by Captain Jebb, but certain officers, were in Paymaster Admas's debt at the period referred to by Captain Jebb in his letter; secondly, that Captain Jebb was in Paymaster Adams's debt as well as others, although he says in his letter that he was not; thirdly, that all these debts due to Paymaster Adams, including that from Captain J., were long ago cleared off, and are not still due, as stated by Captain Jebb.

"Under these circumstances, I cannot see for what reason my attention was drawn to this transaction, which does not bear upon Captain Jebb's case in any manner. The attention which I have given it, however, induces me to desire that (in addition to the order which you had issued to prevent such an irregularity in future, as a large accumulation of debt from the officers to the paymaster of the regiment), you will order the paymaster on no account to make an advance to, or on account of any officer beyond the amount which, by your regimental order, each officer is allowed to draw upon him.

"In respect to the case of Captain Jebb, which you reported to me, I concur with you in thinking, that we have a right to expect that no officer in the Blues should be arrested for debt; that all should, at all times, be ready to appear personally to perform their duty without fear of arrest; and that their regimental horses should not be seized to be sold for the payment of their creditors. If such a circumstance should ever again occur, I shall certainly consider it my duty to report it, in order that steps may be taken to remove such officers from the regiment.

"Having said thus much upon this subject, I am really anxious that after this letter shall be read to Captain J. it should be dropped entirely and never revived.

"WELLINGTON.

"To Sir R. Hill, commanding the Blues.

The Court then asked Colonel Sir R. Hill if any notice had been taken of Captain Jebb's irregularity in not settling his five quarter's accounts for the troop?—He answered that he had desired the Adjutant to mention it to his acting paymaster at the end of four different quarters. He was not in command on the 5th. He then referred to the book to show a remark which he had made on the 25th of March, 1821! it was to this effect; "This account to be settled forthwith." He reported to the Duke of Wellington that Captain J. was absent without leave. This, he thought, was the second absence of Captain Jebb: the first was on or about the 19th of April last. He spoke to Capt. Jebb about being absent without leave. He told Captain J. it was irregular, and hoped it would not occur again. Another time, on or about the 10th of July last, he spoke to him again on the subject. He told Capt. J. he was sorry to speak to him again on the same subject, and reminded him of the communication he had made to him from the Duke of Wellington, and said he hoped he would now leave the regiment. Captain J. told him he was making arrangements for leaving the regiment and they parted. The last time was the 10th of Aug. when he again sent for Captain Jebb on the subject of his being absent without leave. He told him that the service had suffered much by his repeated absence, and particularly on the last occasion, in consequence of his being in orders to attend his Majesty to the House of Lords. That he was no were to be found, and that he (Sir H. Hill) was, in consequence, under some difficulty to find another Captain to take his duty; but that Captain Hanmer, who lived in London, was found, and took his duty. He told Captain J. he must, therefore, consider himself in arrest, and that he should report him to the Colonel of the regiment, requesting he would forward his charges to the Commander-in-Chief, of which the Court was now in possession. He, accordingly, did report him through the Colonel of the regiment to the Commanding in-Chief.

The Court now asked whether, when Captain Jebb was in orders to attend his Majesty to the House of Lords, it was in his regular tour of duty?—Sir R. Hill answered, "Certainly."

Examined by Capt. Jebb; "Did you not, at the same conversation, on or about the 10th of July, propose to obtain me leave to purchase a company in another regiment?"——Certainly not."

"Did you not previously, in June, propose to obtain me leave to purchase a Majority?"—Certainly not. Capt. Jebb told me he was about to negociate for the purchase of a Majority, and I told him that I thought he had little chance of succeeding."

"Did you not repetedly tell me that you would go to Sir Herbert Taylor, and do your utmost to obtain me a Majority,"—"Certainly not."

The case for the prosecution was here finally closed, and Captain Jebb was allowed a short time to prepare an answer to the additional evidence.

When the Court was re-opened, Captain Jebb proceeded to read his defence. He touched upon each head of charge separately. With regard to the first, she submitted that it was never understood that the order for the quarterly payment of accounts applied to the officers, only to the clerks and quartermasters; and the witness against him had admitted that he had offered to pay him when he wanted money. He also observed, that all his accounts had been settled before the existence of the present charges. On the second charge he admitted the fact of his having given the drafts on Messrs. Cox and Greenwood, but it was in the full persuasion that they would have discounted the bills in their possession, and which were drawn on persons of respectability. On their return, he paid the money to the messman as soon as he could proceed to London and return. On the third charge Captain Jebb proceeded as follows:

"In regard to the third and last charge, it is of a more important character in its military application. Gentlemen, it is my duty to explain to you the whole. The first occurrence of 2 days' absence arose simply from my having rode out to St. Alban's, intending to return the same day, when I was unexpectedly detained to the amount of time stated. But I have no doubt Sir Robert Hill will admit that I apologized for my having been so detained; that he admitted my apology, and was perfectly satisfied. This was the first occurrence of the kind that had taken place during my whole service. On the second occasion, on account of a friend, I was suddenly taken into the custody of the civil power; and as soon as I arranged matters, I immediately returned to my regiment.

"The third occasion: It will be proved to you that I received information of my father, who was in the 85th year of his age, having broken his leg, in consequence of which a mortification had ensued, and that he was in a most dangerous state. On this I immediately applied for leave to Sir Robert Hill, for the purpose of attending my father at Worcester. Sir Robert felt it necessary to refuse me; which, under the circumstaces, and being the first time I had asked leave since the regiment left Windsor, as you have heard, I am sure he could not have refused me without some reason. The reason, as you have also heard given in evidence, was the absence of other officers. Understanding, after my first note, that an officer, then on pleasure at Ramsgate, was about to return, I deemed the cause of refusal done away; and, confident that Sir R. Hill's feelings would no longer detain me under the torturous anxiety which I suffered, I wrote to the Adjutant, and set off to attend my father. Gentlemen, if I have, in obeying such a call, erred as a soldier, I trust you will deem me right as a man: my place was supplied, and no injury arose to the regiment from my absence. It is the only instance of such a kind during my service in the regiment, and was, I had hoped, forgiven; and as no charge had arisen upon it, till the last instance of which I am about to speak.

The last instance, from the 6th to the 9th of August, is also one of the latter description. As in the former one. I arranged it as quickly as could be done, losing not an instant, and immediately returned to the regiment. Sir Robert Hill was fully acquainted with the circumstance, and if a regimental return had taken place, would in course not have returned me absent without leave, but in the custody of the civil power.

Having necessarily spoken of being twice abstracted from my regiment by the civil power, it is now necessary, gentlemen, that I should explain to you the cause of it, and show you, as I shall prove, that it did not arise from any pecuniary defect of my own means, such as to render me incapable of preserving the due credit of an officer in his Majesty's service. I entered that service with all the ardour of a young man of competent fortune, and always indentified myself with my brother officers, and considered their happiness as my own. Among those of a former regiment was Mr. Ratcliff, whose fortune is ample, but it is in Jamaica, and the deterioration of such property of late years is too well known to need description. Living up to his income, he was not prepared for this evil, and he found a temporary assistance necessary, which I was proud to afford him. Circumstances have grown worse instead of better, as he expected: this assistance at the present moment as will be shown to you, amounts to no less sum than between 5,000l. and 6,000l. Having come to an arrangement with the opulent firm of Boddington for the care of his estate, he contemplated the speedy payment of the sums I had progressively advanced to him, and I in consequence became his security for 1000 guineas. Soon after he retired to France, and this circumstance, for the first time distrustful, made them feel it necessary to proceed against me, which, as you will learn from one of them, was the sole cause of my having been so placed in the hands of the civil power for the days mentioned in the second and fourth allegations of the charge.

The prisoner then produced a variety of documents, to shew the high character which he had invariably maintained as an officer and a gentleman, till the institution of the present charges; after which he called the following witness:

Lieutenant Colonel Clement Hill was then called, who proved that he was in command of the regiment on the 2d and 3d of March; that Captain Jebb was absent; that when he returned he apologized for having been detained by his friend; but that it was the first time, and he readily excused it.

Mr. G. Whitbread proved, that Captain Jebb had, in consequence of becoming security for Mr. Ratcliff for 1.000l. been, on the departure of Mr. Ratcliff, taken into the custody of the Sheriff by his clients in April and August last; that Mr. Ratcliff was a man of 6,000l. a year, as he knew from good authority; and that his bill would have been discounted by witness's bankers, Chambers and Co. but for some difference between parties, who had considered Captain Jebb as hardly used in the business, and would not have taken any proceedings against him but for the departure of Mr. Ratcliff.

Mr. S. Buxton being called, stated his knowledge of those arrests of Captain Jebb in April and August: his having reason to expect liberation immediately, as he had sent to witness, who had paid the money in one instance, and Captain Jebb's brother in the other. This witness also stated, that he had heard from a friend, who had come from Worcester, that Capt. J.'s father was confined with a mortification in his leg, and mentioned the circumstance to Capt. Jebb, and advised him to go down.

Mr. Scott then tendered the documents to be delivered in as evidence of what had been stated in the address, among which were securites for between 6 and 5,000l. due to Capt. Jebb.

Those letters were then produced, as the answers to a letter of Captain Jebb to each of the Commanding Officers of the regiments in which he had served—the 29th Foot, Scotch Greys, and the Blues, being from Sir J. Byng, General Balfour, and Sir John Elley, who all testified to his character as an officer and a gentleman; and the latter that there was no duty which he would not perform with energy.

The defence here closed. Sir R. Hill required half an hour to reply, which was granted.

On the Court being again resumed.

Sir R. Hill shortly replied. He congratulated the Court on the termination of the long and painful enquiry in which they had been engaged. It was not necessary for him to occupy their attention at any length in reply—he humbly submitted that all the charges which it had been his unpleasant task to prefer had been proved. It was in evidence—first, that Capt. Jebb had not complied with the regimental order, which required the quarterly settlement of his accounts—secondly, that he had given two drafts to the messman of his regiment on his agents, which had been dishonoured—and lastly, that he had been repeatedly absent from his regiment without leave. It was in the breast of the Court to pronounce their judgment on these facts. For himself, he could only say, that he sincerely wished to have avoided the necesssity of this proceeding, and had, with that view, advised. Captain Jebb to retire from the regiment. His advice had not been taken, and his duty as an officer, as well as the respect he owed to the service, demanded that the subject should be formally examined. It was hardly necessary he should add that, in the performance of his duty he could not be influenced by any personal or vindictive feeling. The whole tenor of his conduct had proved the contrary. He had only to add his grateful thanks to the Court for the attention and indulgence with which he had been heard.

The Court was then cleared, and the Members proceeded to deliberate on their judgment,

This was communicated to the Commander in Chief in the usual form, and has since been laid before and approved by his Majesty. It is as follows:—

SENTENCE.

"The Court having taken into their consideration the whole of this case, and having duly weighed the evidence laid before them, as well on the part of the prosecution, as by Capt. Jebb in his defence, are of opinion, as to the first charge, that Capt. Jebb is guilty of having neglected to comply with a regimental order, dated 18th April, 1821, respecting the settlement of his regimental debts due to the clerk of his troop, such debts having been made known to him by the troop account book being exhibited to him in the usual manner.

"As to the second charge, that Captain Jebb is guilty of having given two drafts to the messman of the regiment on the agents, which drafts were dishonoured about the 24th of June, and the 7th July, 1822; such conduct being in the opinion of the court, under all the circumstances stated as connected with the transaction, unwarrantable and reprehensible.

"As to the third charge that Captain Jebb is guilty.

"The Court having found Capt. Jebb guilty as above stated, do sentence him to be removed from his Majesty's service. Having thus performed a duty which they have considered themselves called upon to discharge for the due maintenance of discipline in his Majesty's service, the Court are induced from Captain Jebb's length of service, from some of the circumstances which have appeared in the course of this inquiry, and also from the favourable testimonials which Captain Jebb has laid before them as to his character, humbly, but strongly to recommend him as a fit object for his Majesty's favourable consideration."

His Majesty has been pleased to approve and confirm the finding and sentence of the Court; but in gracious consideration of the manner in which the Court have recommended the prisoner, his Majesty has been pleased to permit him, Captain J. to receive the regulated value of his commission.

His Royal Highness the Commander in Chief directs that the foregoing Charges against Captain John Jebb, of the Royal Regiment of Horse Guards, together with the finding and sentence of the Court, and his Majesty's pleasure thereon, shall be entered in the General Order Book, and read at the head of every Regiment in his Majesty's Service.

By command of His Royal Highness,
The Commander in Chief.
HENRY TORRENS, Adjutant General.

EAST INDIA HOUSE.

A quarterly General Court of proprietors of East India Stock was held yesterday, (Sept. 25) pursuant to the terms of the Charter, at the Company's House in Leadenhall-street.

APPOINTMENT OF A NEW GOVERNOR GENERAL.

Sundry papers presented to Parliament since the last General Court having been laid on the table.

The CHAIRMAN (T. Pattison, Esq) was proceeding to put the question of adjournment, there being no other business before the Court, when,

Mr. R. JACKSON rose, and inquired whether the Chairman of the Court of Directors was in possession of any intimation as to the probable departure of the Marquis of Hastings from Calcutta?

The CHAIRMAN answered that no official information has been received on that subject.

Mr. R. JACKSON said, the matter appeared to stand thus:—Application had been made to the Marquis of Hastings to remain in India until his successor arrived. This had been stated to the Court; and he did not know, as a month had elapsed since a successor had been appointed, but that some gentleman might be in possession of the probable period at which the Marquis of Hastings would take his departure from India. Speaking within the probability of human events, as it was understood that the Marquis of Hastings would remain in India till a successor was appointed, perhaps that limit was sufficiently extensive to allow of such an application as would induce him under the peculiar circumstances of the case to continue at the head of the India Government for a longer period than he had intended. He believed he spoke the sense of the Court when he said, that scarcely any event could take place more propitious to the general interests of the Company, or to those of India, than that to which he had alluded. He meant not to say whether the chance of such an event was within the reach of hope, but he thought it was one, the accomplishment of which was worthy of their serious attention, if it were too late to make an arrangement of this kind, the opportunity, and a proud one it was, again reverted to the Court of Directors, to appoint a Governor-General of India. He had no reasons, from the late nomination, but to suppose that in the next instance the executive body would make a virtuous choice. He spoke most conscientiously, when he said that he believed if the Right Honourable Gentleman who had been just appointed to this arduous office had proceeded to India, though the man lived not, who in his (Mr. Jackson's) opinion, could approach the excellence of the Noble Marquis, yet that the Company would have found in that Right Hon. Gent. a good Governor-General. *(hear.)* He participated in the hope that the Rt. Hon. Gentleman would still be of great service to his country, as a British, if not as an Indian Minister *(hear.)* It would not become him to repeat, in that place, the sentiments which had been delivered on former occasions, and which were prompted by the fond and earnest hope, that, in appointing a Governor-General of India, the Court of Directors would listen to no suggestions, except those which were founded on the honours and abilities of the persons who aspired to the office. But he had a right to say, on the part of his brother proprietors, that it was not within the scope of humanity to feel more deeply than they would feel—than the country would feel, and the millions who were fated to be governed by the Company would feel, if the Court of Directors would on this occasion, exert that magnanimity and resolution which had more than once distinguised them, and set their face against every applicant whose claim was not founded on known talent, tried integrity, and as far as possible a competent knowledge of the affairs of India, (*hear, hear.*) There was no period in which this appointment had not been a matter of great importance; but in the present period of their history it was more important than ever. He was speaking he believed, in the absence of some Gentlemen who had recently given to the Court their collected knowledge and experience on the subject of our Eastern empire; and it was only sufficient to attend to their observations, to know how mighty an empire they would shortly be called on to manage. He fervently prayed that that Providence which had, more than once, directed the Executive Body in the selection of a Governor-General, might now assist them in forming a proper choice; for on that choice rested the happiness of millions upon millions. He, for one, would feel most grateful, and he was sure he spoke the common sentiment of all the Proprietors, if at a future time, it should be his lot to say, that their Directors had maintained that high character which they had upheld on more than one occasion. Happy would he be, if it were at length determined and understood, that the Government of India was not of a nature to bend to the political intrigues of the day, but that the appointment of a Governor-General must be determined, substantially, on the qualifications that ought to be attached to him who aspired after so important a situation.—(*hear, hear.*)—He was sure the Court of Directors would excuse an old constituent for having said so much; but he was well assured of their kindness and candour, or he would not have taken the liberty.

Mr. LOWNDES congratulated the Court on the intended Governor-General not having gone out to India. The Hon. Proprietor then proceeded to complain, that at the last election for a Director, when he was confident that he possessed two votes, he was only allowed to give one. Had it been a contested election he would have enforced his right to a second vote, and, if unjustly refused, what would have been the consequence? Why the whole election must have taken place over again. He made these observations without any malice to the Directors, but he wished them to enquire whether he had really two votes or not.

The CHAIRMAN suggested that it would be better to make this subject a matter of private communication.

Mr. LOWNDES said he had no objection to that course; and to prove that he had no ill will in this proceeding, he would bring forward a candidate for the favour and special protection of the Court of Directors in the person of a haunch of vension, which was in excellent order, and which he had received from his friend, Mr. Lowndes, of Mr. Buckinghamshire (*Here the Honourable Proprietor exhibited with the utmost gravity, but amidst the general laughter of the Court, the basket containing the before mentioned haunch.*) When the laughter had subside, he Hon. Proprietor said, the haunch of vension was at the service of the Court of Directors; and all he asked was, in the first place, to invite himself to have a peek at the laughter, and next to be allowed to propose that Sir James Shaw and Mr. R. Jackson should be of the party. (*laughter.*) He was afraid, however, as Sir James was a Member of the Corporation, that asking him to a vension dinner was something similar to sending coals to Newcastle. (*laughter.*) Of this he was sure, that the Court would admit the present to be the best motion he had ever made.

The CHAIRMAN thanked the Proprietor for the manner in which he had been so kind as to make this present to him and his colleagues. It was, however, rather an informal way, and looked more like a bribe than an ordinary present. (*laughter.*)

After a little more conversation between Mr. Lowndes and the Chairman, the Court proceeded in other business.

COMMANDERS OF THE COMPANY'S SHIPS.

Mr. CHALMERS said that he had a considerable time ago made some observations relative to the Company's naval service, which he thought of importance. He was at that period interrupted by the Honourable Chairman, and also by the Learned Gentleman below him (Mr. R. Jackson;) and he understood from them that his observations were then irregular, as the Court had been specially convened for other business. Up to the present day, he had, when he attended the Court, found it occupied on more important matters, and therefore he had not agitated the subject. But, having been himself an old sailor, both in the King's and in the Company's service, he could not help feeling and describing the hardships to which many commanders of Company's ships had been subjected, in the hope that something would be done to protect, in future, persons who were similarly situated. The individuals to whom he had alluded, had suffered, because, in the exercise of a sound discretion and the discharge of a public duty, they resorted to proper means for the purpose of preserving due subordination on board their ships. Actions had been brought against them by those whose misconduct they had checked. Those actions they had defended; and when it was shown by the verdict of a jury that they had acted correctly, when they had obtained a process to recover the amount of costs from the persons who had falsely complained, they found themselves subject to great expense, because the plaintiffs, who were generally mere "men in buckram," absconded. This was the hardship of which he complained. When a Commander had manfully repelled a charge, and proved that the punishment inflicted by him

was justifiable, that it was resorted to for the purpose of preserving ship and cargo, it was a great hardship that he should be fixed with costs. He knew that a recent case of this kind had been brought before the Directors, and the claim was rejected by them; but that circumstance did not deter him from noticing the subject. He did not wish the Court of Directors to be unnecessarily appealed to by commanders. He knew the latter, being sued in Courts of law, must there defend themselves. But cases occurred in which commanders were sued because they had opposed mutiny and sedition; and in such cases, where the commanders could not recover their costs, in consequence of the absconding of the plaintiffs, he thought the Court of Directors would not refuse granting a sum equivalent to the costs, instead of suffering those who had only done their duty to be out of pocket: He did not wish the Captain to come to the Directors and say, "You must authorise the Company's solicitor to defend me;" but in a case of mutiny, as in that of Capt. Younghusband (for whom alone he did not speak, his object being the benefit of the service at large), where the party sued obtained a verdict, and could not procure his costs from the person who instituted the action, he thought the Directors might, with great propiety, pay the costs out of that fund which they could appropriate according to their own discretion. The Hon. Proprietor concluded by observing, that unless he received an assurance that the Directors would take the subject into their consideration, he would give notice of a motion relative to it at the next General Court.

Mr. R. JACKSON said, that cases of the nature alluded to must always be the subject of individual consideration: they must depend on the bearing of particular facts and circumstances. Supposing Captain Younghusband, or any other officer, to have been placed in the situation described—supposing him to have exerted himself to save his ship and cargo from all the dreadful consequences of mutiny—he did not think the Court of Directors would allow any such fair claim of substantial merit to go unassisted by them, but he doubted the possibility of laying down such a general principle as would authorize an officer who had been sued, and who was out of pocket to the amount of his costs, to proceed to the Company's treasury and demand the payment of those costs.

Mr. CHALMERS said Captain Younghusband had made a humble representation to the Court of Directors, which was rejected, as he understood, on the ground that a compliance with his prayer would form a dangerous precedent.

The CHAIRMAN knew not in what way the Court of Directors could regularly take up subjects of this kind except upon official information. He believed it would be acknowledged by the Hon. Proprietor, as it was by all mankind, that the Company were not slow in rendering assistance where it was really due. With respect to the gentleman whose case had already been decided on; if he thought proper to make another application, due attention should be paid to it; but it would be very inconvenient if matters of that nature were made the subject of discussion in the General Court.

Mr. CHALMERS expressed himself satisfied with the observation of the Chairman. He adverted to Captain Younghusband's case against whom, he stated, it was proved in the Court of Common Pleas that a conspiracy had been set on foot. He however, had procured a verdict: but he was 160l. out of pocket, his costs having amounted to that sum. He would state to that gentleman the necessity of making another application to the Court of Directors, and of setting forth his case in the most forcible manner.

The CHAIRMAN said he did not pledge himself to any result from another application. All he could say was, that the claim should be calmly and soberly considered.—The conversation then ended.

APPOINTMENT OF A NEW GOVERNOR GENERAL.

The CHAIRMAN wished, before the Court broke up, to state, in answer to the most important matter which had fallen from the Learned Gentleman (Mr. R. Jackson), that the Proprietors might remain persuaded, that the Court of Directors were fully impressed with the important duty which was imposed on them in the selection of a Governor General of India.

Mr. TRANT.—The Learned Gentleman had stated that it was the general wish of the Proprietors that the Marquis of Hastings should be requested to remain in India, He (Mr. Trant) begged for himself to state that he desired no such thing. He was sure that the Marquis of Hastings would not have called for the appointment of a successor unless he felt an ardent wish to be relieved from the fatigues of office. His ill health had induced him to take that step, and therefore he (Mr. Trant) did not wish him to remain in India.

The CHAIRMAN said, that from all the private information the Directors had received, it appeared that the Marquis of Hastings wished to come to this country from family considerations. The Court knew that an appointment had been made in his room, which from peculiar circumstances had failed. It was therefore the duty of the Court of Directors to look out for a proper successor. He hoped nothing more would be said relative to the Marquis of Hastings, because only one feeling was entertained with respect to him—very great benefit had been derived from his administration, and the Company sustained a very great loss by his departure.

The Court then adjourned.

NEW REGULATIONS OF THE COLLEGE OF SURGEONS.—From and after 1st January 1823 not any candidate for the diploma, who had not regularly attended three or more courses of anatomical lectures in London, Dublin, Edinburgh, or Glasgow, will be admitted to examination.

Ireland.—In this, unhappy country, according to late accounts, burnings, burglaries, and murders have, in the Southern districts, again appeared. At Abbayfealy the troops have thus early in the season been employed to scour the county for offenders, and have captured two of the Kerry incendiaries of October, 1821. The legal expedient of levying distress for rent has been *undermined*, rather than openly resisted, in the country of Limerick by the practice of carrying off, or destroying at night, the cattle seized on behalf of the landlord during the day-time. In the very suburbs of Cork, a clergyman's house was attacked on Sunday morning the 29th September at one o'clock, and a faithful servant barbarously murdered. The assassin escaped.

AMERICA.

From the Boston Gazette for October.

Piracy.—Capt. Henday, recently arrived at this port, left at St. Thomas, Sept. 22, brig Industry, Cook, of Montego Bay, from Jamaica. Capt. Cook gave him the following account of a piracy on his vessel, &c. a copy of which he presented to the captain of a Br. Packet, bound to England.

"Aug. 7—At day light, the Saddle Hills South, about eight leagues, observed a sch. of a suspicious appearance, in our wake standing by the wind, on the starboard-tack, wind E. S. E. going about 2½ knots.—At sunrise, could make her out to be in chase of us, and using a great number of sweeps—at 8, she fired a gun, and shewed American colours.—My colours were hoisted in return, and the brig Vittoria, of London, at this time N. W. distant about 5 miles, shew her colours also—sch. coming fast up, and frequently firing.—Not liking his appearance, I continued to carry all sail by the wind. As I found it impossible to close with the Vittoria I was induced to keep up the chase as long as possible; not from any idea that I could escape by superior sailing, but from the hope of falling in with some one of the British or American cruizers on this station. At 11, the sohr. within musket shot, hauled down the American ensign, and hoisted a red flag at the fore, and commenced firing; I then hove to, seeing no possibility of escaping, and considering it would be madness to offer resistance I was very soon boarded, and taken possession of by seven or eight ruffians, whose appearance left not a doubt upon our minds as to what hands we had fallen into. I was ordered, with all my crew and passengers, on board the schr. and accompanied thither by an Englishman, who appeared to be the commanding officer of this Banditti. The villain's face was blacked with gun-powder and otherwise disguised; yet I knew him and called him by name—he denied himself to be the person.

When we arrived on board the schr. I met with the most brutal treatment from the pirate Captain, who stabbed me in several places and broke a sword over me, and beat me with a rope; and compelled, me with four of my men, to go a head of the schr. with the boat, tow her, then in chase of the Vittoria. When I requested my hat, he fired a pistol at me, and kept a musket presented all the time I was in the boat, to shoot me in the event of the tow-line not being kept tight; the schr. then going about 5 knots. After the Vitoria hove to, I was confined in the hold and beat again by the villain. About 4 P. M. I was taken on board the Industry, with all my crew; the men were confined in the forcastle—my hands were then pinioned behind my back, and secured to the windlass bitts, and I was threatened with immediate death, if I did not disclose to them what money I had on board, and where concealed—it was to no purpose I assured them I had none concealed—I also gave them what money I had about me (100 dols.) mostly in gold, my watch, and some trinkets—I was then blindfolded, and four shots were fired at me—at this time a quarrel took place between the pirates, to which I believe myself indebted for my life—after being cast loose, I was confined in the forecastle, and the crew liberated. About 9 P. M. all three vessels came to anchor, in about 4 fathoms, in an open road, near Hounda Bay. Next morning about 8, I was permitted to proceed on my voyage, with the Captain and crew of the Vittoria which vessel they kept. Before they left me, they plundered me of most of my spare sails, cordage, canvas, provisions, charts, and every thing of any value, even taking the hat off my head, and shoes off my feet. The master and crew of the other brig were permitted to take nothing but what they stood

in. On the 10th, I put Capt. Hearn and crew on board H. M. brig Carnation; which I met coming out of Havanna, and bound to Jamaica.

The pirate is a schr. of about 80 tons. American built, but lately undergone heavy repairs in some port of Cuba—black sides, red bottom, and not coppered; square fore-topsail; one long 9 or 12 pr. on a pivot and three 6's. As near as I could judge, she had about 40 men, and is now commanded by the Englishmen, before mentioned, whose name is Smith, a native of Yorkshire, for they had put the other monster to death, while we were at anchor. They had also a Dutch ship and English sloop in their possession, and a brig, which I think was an American.

The above statement you may rely on being correct.

W. COOK, Master of brig Industry.
To the Commander of H. M. Packet.

A BEAR CHASE.

York, (Upper Canada,) Sept. 23—The week before last, two boys, one 10 and the other 11 years of age, sons of Mr. Wm. Johnson, of Champenfield Bay, Lake Simcoe, observed an old bear and three young ones swimming across the Bay; they put out after them with a bark canoe, and by the use of their fire arms, soon despatched the young ones, and took them on board of their canoe. They made several shots at the head of the old one, with little or no effect; at length, coming in contact with her; one of them fired and broke her shoulder, the savage ferociousness of the animal was now raised to desperation, she endeavoured to upset the canoe. A sister on shore seeing the hazardous situation of her little brothers, took another boat and put out to their assistance. The bear saw her coming, left the boys and made towards her, upon which the young Nimrods cried out "Don't fear Sally, thump her on the nose and keep her back. We have broken one of her shoulders, keep her back till we can load again, and we will break the other."—The boys were as good as their word; they did so; and having both legs disabled they pushed her head under water with their paddles and drowned her. They, with some difficulty, got her into the boat, and took the four in triumph to land. The names of these lads, are James and William Johnson.

Marine Curiosity.—A very singular fish is at this time in pickle on board the *Mary Frances*, Greenland ship, now in the Old Dock, of this place. Mr. Wilkinson, the captain, says it was caught to the north of Shetland, by some of his men sent out in a boat, who saw it floundering on the surface of the water and dragged it on board by one of its tail fins. Its formation is exceedingly clumsy, and its movements must have been very slow. On a first view of the head, we fancied we saw a strong resemblance to the large wrinkled face of a fat old man, and the nonsense about mermaids immediately recurred to our recollection. But a whole view of the animal soon dissipated all our reveries, and left us only to wonder at the variety of the productions, of nature. Its shape is nearly oval, being from head to tail rather more than three feet, and in breadth two. The skin is of a deep grey, and all over as rough as a file moderately worn: so rough, that when the sailor laid hold of the tail fin to pull it out of the water, his hold was as firm as it he had been grasping a piece of strong sand paper. Captain Wilkinson says, that when it was first taken its eyes were quite prominent and exactly resembling human eyes. It is furnished with a pair of ears, with two small fins beneath them, and two large tail fins, between which is a short fleshey tail. We see it discribed in yesterday's *Advertiser* as the Sun Fish of Dr. Shaw, and it probably is one of that singular species; but it seems odd, as Captain Wilkinson assures us of the fact, that if it be, the eldest fisherman in Shetland never should have seen any thing like it before.—*Hull Rockingham.*

Ladies' Bazaar.—We never witnessed any exhibition which attracted such crowds of well-dressed ladies and gentlemen, as this novel and very interesting species of Fair. Amongst nearly all the fashionable famales of this town and neighbourhood, were noticed the Countess of Derby, and a large party from Knowsley, Lady Seaforth, &c. &c. It is impossible to praise too highly the collection of beautiful articles gratuitously contributed on this occasion, or the exquisite taste displayed in arranging them for sale. They covered fourteen tables, at each of which, two and three ladies presided, and to those who witnessed the suavity and skill displayed by those ladies in their new occupation, it will not excite surprise to hear, that *every article* of the numerous collection was sold by four o'clock; leaving the gratifying sum of £237 8s. 6d. for the Liverpool Penitentiary. The number of persons who visited the exhibition, exceeded 1100. We have been requested to suggest two points respecting this most laudable and most ingenious scheme of benevolence, from which its effect may be improved. First, the place of exhibition was a great deal two small; a great number of ladies were obliged to depart without being able to approach the tables of display. We doubt not that the Wellington-rooms might easily be obtained for this purpose. Secondly, a greater number of articles should if possible, be provided, to tempt the purchases of the *gentlemen.* They are generally munificent spendthrifts on these occasions; and we doubt not that the ingenuity of the fair contributors will easily be able to divine their little wants, and to supply them. We have heard, with great satisfaction, that it is intended, in a short time, to exhibit another Bazaar for the benefit of the blind Assylum. These charitable schemes cannot be too much encouraged.—Mankind are never so easily allured into benevolence as on the side of their pleasures.

Liverpool Advertiser.

The rich heiress, Miss Patten Bold, of Bold Hall, near Warrington, is about to be led the hymeneal altar by the Polish Prince Sapieha. The lady's fortune exceeds twenty thousand a year.

The king of Persia, it is said, has been recently converted to Christianity by the arguments of the celebrated missionary Mr. Martin.

An answer has been received by the underwriters at Lloyd's Coffee house from the Dutch Government, which has excited some surprise. It regards the Lutine frigate, which, as has been stated in the newspapers, was long since wrecked on the coast of Holland, with half a million of specie on board, intended for Prussia. Not a soul survived, nor was it known what had become of the frigate until recently, when she was found buried in the sand, on the Dutch coast. The British Government, which sent the specie as a subsidy to Prussia, insured at Lloyd's, and, in due course, received the money on proof of the loss. The insurers, therefore, or such of them as are alive, applied a short time since to the Dutch Government, for permission to take the specie out of the wreck of the Lutine. The answer obtained this day, though very courteous, is by no means satisfactory upon any account; it is this—that, as the Lutine was wrecked pending a war with Holland, the property of course became Dutch, and, no restoration can therefore be made. Had the disaster occurred while peace existed, the Dutch Government would have been most ready to afford every facility for the recovery of the specie from the wreck.

RAISING THE WIND.

While on the subject of sales, it may not be unimportant to some of our readers to state a new mode, at least a mode that has not as yet been very much hackneyed, which has been devised of accommodating expectant heirs, and other good and sufficient persons, in immediate want of the "sine qua non," with large sums of money, without having recourse to the ordinary and direct method of writing a cheque on a banker. We have been told that this ingenious contrivance was first resorted to about twelve years back, and that the success with which it was then attended has now led to its revival. Our readers will at once see, that it is merely a colourable means of avoiding the usury laws.

The circumstance which has given rise to these remarks has come to our knowledge within the last few days; and as we have had it from the best authority, we can have no hesitation in giving it publicity. We will, however, put the case hypothetically and suppose a gentleman on the eve of obtaining a very high rank in society, in pursuit of which he has already spent large sums. We will suppose that suddenly his finances fail him, and that unless he can raise a still further fund either his prospects must be altogether blighted, or greatly retarded. We will then suppose that he looks around him with an anxious eye for some "good friend" to assist him in his difficulty. We will trace him from place to place without success,—nothing but shakes of the head and flat refusals;—at last we will follow him,—where? into the shop of one of the most eminent goldsmiths at the west end of the town, where we will suppose the following dialogue to take place:—

"How d' do, my dear —— ?"—"Charmingly, I thank you."

"Do you know that I am devilishly annoyed for the want of this money?"—"Sorry for it—wish I could oblige you; but hav'nt a pound to spare. Never knew money so scarce—what's become of it can't think. 'These foreign loans, I suppose, must be carrying all the cash abroad.'!

"Why you know a few months must inevitably decide my business. Nothing can keep me out of it, unless indeed it is the want of these few thousands. Come, think now, is there no way in which you can help me."—"Why really you put me to a stand-still. Hav'nt got the money, that's poz: and where to get it, I know no more than that musical snuff-box.

"Hang it, you have got money's worth. I wish I could convert a few of your gold dishes, and so forth, into sovereigns."—"That might be done too, and if you have a mind to take goods, I have no objection to let you have them to any amount you wish; but as for money, I have it not. I assure you."

"But what, in the Pope's name, am I to do with 17 thousand pounds worth of your goods?—"Do? why—sell them. I know an auctioneer that will advance a large sum of them at once, and sell them forthwith. The loss will be no such great things."

"It's a bargain: the goods I'll have, so look me out seventeen thousand pounds worth. Send them to your friend, the auctioneer, and the thing is done!

Thus the negotiation, we will suppose, was opened and concluded; the bonds were prepared and executed, the goods delivered, with a regular bill of parcels, at a fair "fashionable" price. The money, advanced by the auctioneer and the sale, we will suppose; is, in all probability, to be announced at no great distance from the present time. How near the purchasers, under such circumstances, will go towards realizing the sums which have been charged to him, must depend on the eloquence of the auctioneer, and the taste of the public; but we have heard of sales where, in this way, the sacrifice has not exceeded five and twenty per cent! The probability is, that as the auctioneer will want to realize his advance and the vender his balance, the price obtained will not be of the first class. The purposes of all parties, however, will be answered, and the conscientious goldsmith will thus make another step in the accumulation of a fortune, which, if report speaks truly, is already immense.

LAW.

[LANCASTER ASSIZES.]

EXTRAORDINARY CASE.

Richard Heys, a labouring man, 45 years of age, was charged with having broken into the house of Thomas Fishwick, at Heapy, near Chorley, and stolen several articles of wearing apparel. In the course of the trial circumstances of a most extraordinary nature were detailed in evidence. The principal witness against the prisoner was an accomplice named Lettice Smith, a very pretty looking girl of eighteen, who it appeared, had been seduced by the prisoner, and had been living with him in a state of adultery (he being a married man, and having a family.) She stated, that, on the 13th day of May last, the prisoner came to her at Blackburn, where she was then living with her mother, and told her he had a job for her to do. She went off with him, and he took her to the house of the prosecutor, with whom she had previously lived as a servant. Here he took out a window, and put her into the house. At his request she opened the door and let him in, and he stole the articles mentioned in the indictment. These were afterwards pledged by her at Blackburn, under the direction of the prisoner. She was cross-examined by Mr. Coltman for the prisoner, and stated that she herself gave information of the robbery to the prosecutor, on the 10th of August. She would have given earlier information, but the prisoner had *kept her a long time in a wood, tied to a tree!* This strange and incredible assertion of course, caused further questions to be put to her, which elicited the following very extraordinary account. She stated, that, some time after the robbery, she became uneasy in her mind, on account of the robbery. and the prisoner being apprehensive that she would disclose it, erected a small hut of sods and sticks in a wood called Lower Nabb Wood, about two miles from Chorley, and 200 hundred yards from his own house. To this place he decoyed the unfortunate girl, and tied a rope round her middle, and fastened her to a tree, against which the hut was built. In this place he kept her, according to her own account (which was corroborated by other evidence) for more than a month. The place was so low that she could not stand up, and she had only some old sacks and a little straw to lie upon. The prisoner, visited her occasionally during the night, and brought her scanty supplies of food; but she was occasionally two days without sustenance. He used to untie her when he came; and one night, whilst she was thus at liberty, he fell asleep and she took the opportunity to make her escape. She went to the prosecutor's house and told him what had befallen her; and he went with other persons to search for the hut in the spot to which she directed him. The prisoner, however, had demolished it in the mean time; but they found abundant traces of its existence. The mother of the girl proved that she was decoyed away by the prisoner on the 13th of May. She afterwards saw her occasionally for a few weeks. She then disappeared; and for seven weeks before the 10th of August, she had never heard of her, and did not at all know where she was. When she returned home, she was in a dreadful state of emaciation, and covered with sores, and her clothes were much soiled, and in a very tattered condition. In short, to use the mother's expression, it would have pitied any one to look upon her. The girl gave her evidence with remarkable clearness and propriety; and her account, extraordinary as it was, commanded the full belief of the court. The prisoner, in his defence, merely said, that he had nothing to do with the robbery. He called no witnesses, and the jury, without hesitation, found him *guilty—death.*

POLICE.

MANSION-HOUSE.—A very decent-looking man, holding a respectable situation as clerk to a corn-factor, and whose name we forbear to mention, appeared on summons yesterday before Mr. Ald. Cox, to answer the complaint of Thomas Deacon, a constable of the ward of Aldgate, for disorderly conduct and insulting him in the execution of his duty on wednesday evening last.

One of their watchmen, it appeared, in going his rounds between one and two o'clock in the morning, in Coopers-row, found a female sitting on the steps of the defendant's door nearly in a state of nudity, having nothing on but her *chemise* and nightcap. Upon inquiry it turned out that she was the wife of the defendant, and the story told by her was, that she had gone to bed, and when her husband, who had been spending the evening out, knocked at the door, came down without dressing herself to let him in. She had some trouble to persuade him to come in, and at length, upon her begging of him not to keep her in that state, he hastily pushed her into the street, and shut the door upon her; nor could all her knocking or entreaties induce him to open it again, and the watchman finding he could not procure her admittance into the house, wrapped her in his great coat, and conveyed her to the watchhouse to take care of her till the morning. Shortly after, however, the defendant made his appearance at the watchhouse, and conducted himself in a most violent manner, charging the complainant and the other officers of the night with bringing his wife there with an improper intention.

The defendant affected to make very light of the business; the worthy Alderman, however viewed it much more seriously, and after expatiating upon the brutality and indecency of thus exposing the person of his own wife, and insulting those whose humanity had rescued her from further shame and exposure, directed him to be bound in his own recognizance of 50l. to answer any further proceeding that migh be instituted against him.

ACCIDENTS, OFFENCES, &c.

A MELANCHOLY CATASTROPHE.

CHARLSTON, OCT. 4—Extract of a letter from a gentleman at North Inlet, (dated on Sunday last) to his friend in this city.

"It is my very painful duty to be the bearer of dreadful news. I pray you, my dear friend, to calm and compose yourself, and bear with resignation the dispensation of an Almighty Providence, in whose hands alone are all our lives. In announcing the dreadful catastrophe, I can scarcely proceed; but it must be done. Our dear and beloved friends, R. F. Witners and family with the house, were swept, away on Friday night, by the terrible storm or tornado, and of the whole number only Mr. Withers has yet been found. He was taken out of the water yesterday morning after having been in it three or four hours. He was carried to Debordieu's Island, and has had every kindness and attention paid to him by Mr. Cohen's family. I was with him all the day, as was also the Rev. Mr. Capers, and it is at his particular request that I make this communication to you, Every search was and still is making for the rest of the family—but as yet, nothing has been seen or heard of them. The materials of the house, furniture, &c. are found scattered and drifted in every direction, and the dead body of one of his negroes has been found. Mr. Withers states, that between one and two o'clock in the morning after the chimney had fallen, his whole family with Withers, Shacklefort and Captain Wish left the body of the house and went into the western shed room (wind S. E.) being as they thought, the most safe place.—In ten minutes after the house wavered, and in an instant was crushed: he fell, but recovered, and found himself in the water, and he recollects hearing a call for him to catch Anna Maria, after which he recollects nothing of his family. After being in the water a long while, he saw a negro near him: he asked who he was? the fellow replied, a stranger—well, said he, "take hold for I must quit; a voice behind exclaimed "My dear father, don't give up, we can yet be saved'—turning, he said, "Is it you my son?—"Yes my dear father—don't give up, I'm yet strong, and can hold on—we may be saved."—Here a wave came, and a part of the wreck of the house in it, and covered them all, which was the last he saw of his son. Mr. Withers was heard, and seen, and rescued by Lieut. Lovy, of the U. S. Navy, who was passing the summer at Mr. Cohen's on Debordieu's Island—this Gentleman waded up to his chin in the marsh and creek, and was the happy instrument of saving Mr. Withers and his servant Cudjo, who was the fellow Mr. Withers spoke to as before mentioned; Jack, the little boy was also saved, by floating up to Mr. Cohen's on one of the steps of the hone.—As yet, we have made no further or successful discovery of any other part of the family—I fear their fates are but too certain. In vain should I attempt to give a full account of this most awful and dreadfull scence—I am inadequate to the task.—such a night as Friday night, and such a day as yesterday, I never before experienced.—Poor Mrs. Myers and family, 14 or 15 in number, are also swept away, and nothing can be heard of them; and also a poor barber named Derosa. Mrs Botford and two white children, and two negroes, killed by the fall of Mr. Fort's House. Every heart is full, and every eye is streaming—I can no more!'

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Selections.

ODE

TO A SPARROW ALIGHTING BEFORE THE JUDGE'S CHAMBERS, IN SERJEANT'S INN, FLEET- STREET.

(*Written in half an hour, while attending a Summons*)
From the London Magazine.

Art thou solictor for all thy tribe,
That thus I now behold thee? one that comes
Down amid bail-above and under-scribe,
To sue for crumbs?—
Away! tis vain to ogle round the square,
I fear thou hast no head—
To think to get thy bread
Where lawyers are?

Say—has thou pull'd some sparrow o'er the coals,
And flitted here a summons to indite?
I only hope no curs'd judicial kite
Has struck thee off the rolls!
I scarce should deem thee of the law—and yet,
Thine eye is keen and quick enough—and still
Thou bear,st thyself with perk and tiny fret:
But then how desperately short thy *bill*!
How quickly might'st thou be of that bereft!
A sixth tax'd off—how little would be left!

Art thou on summons come, or order bent?
Tell me—for I am sick at heart to know!
Say—in the sky is there distress for rent
That thou hast flitted to the courts below?
If thou *wouldst* haul some sparrow o'er the coals,
And *wouldst* his spirit hamper and perplex—
Go to John Bodily—he's available—
Sign—swear—and get a bill of Middlessx
Returnable (mind—bailable!)
On Wednesday after the morrow of All souls.

Or dost thou come a sufferer? I see—
I see thee" cast thy *bail*—ful eyes around;"
Oh, call James White, and he will set thee free,
Mr, and John Bains, will speedily be bound,—
In double the sum,
That thou wilt come
And meet the plaintiff bird on legal ground.
But stand, oh, stand aside,—for look,
Judge Best, on no fantastic toe,
Through dingy arch,—by dirty nook—
Across the yard into his room doth go—
And wisely there doth read
Summons for time to plead,—
And frame
Order for same.

Thou twittering, legal, foolish, feathered thing,
A tiny boy, with salt for latitat.
Is sneaking, bailiff-like, to touch thy wing;—
Can'st thou not see the trick he would be at?
Away,—away! and let him not prevail.
I do rejoice thou'rt off!—and yet I groan
To read in that boy's silly fate, my own
I am at fault!
For from my *Attic* though I brought my *salt*,
I've fail'd to put a little on thy *tale*!

ON HEARING A LADY PRAISE A CERTAIN REVEREND GENTLEMAN'S EYES.

I cannot praise the Doctor's eyes,
I never saw his glance divine,
For when he prays, he shuts *his* eyes,
And when he preaches he shuts *mine*.

A Post Captain Married: An Epigram.

D—n it, Jack, you've turned coward (said an unmarried Tar)
These *scoldings* to take from the Shrew whom you've mated,
No I'm still (replied Jack) the same *brave man of war*,
And as such, you know, must consent to be *rated*.

Varieties.

"——————————So we'll live,
"And pray, and sing, and tell old tales, and laugh
"At gilded butterflies and hear poor rogues
"Talk of Court News; and we'll talk with them too
"Who loses and who wins; who's in, who's out
"And take upon us the mystery of things.
"As if we were God's Spies."——SHAKSPEARE.

WELSH GENTILITY.—A whimsical story is told by Mr. Yorke respecting an expedition of James I. into Wales.—When he was on the road near Chester, he was met by such numbers of the Welsh, who came out of curiosity to see him, the weather was so dry, and the roads so dusty, that he was nearly suffocated. He was completely at a loss in which manner to rid himself of them civilly; at last, one of his attendants putting his head out of the coach, said, "It is his majesty's pleasure that those who are the best gentlemen shall ride forwards." Away scampered the Welsh, and but one solitary man was left behind. "And so, Sir," says the king to him "you are not a gentleman, then?" "Oh yes, and please hur majesty, hur is as good a shentleman as the rest; but hur ceffyl (horse), God help hur, is not so good."—*Bingley's North Wales*

HOW TO DISPOSE OF A CALF.—A well-furnished table often brings to my recollection a meeting which took place between John Haggart, the Scotch advocate, and Lord Polkemet, a lord of session. Lord P. usually retired to his country residence during that part of the year when the court does no business. John H. equally idle, from a similar cause, went to shoot; and happening to pass Lord P.'s property, he met his lordship, who politely invited John to take, or as he said *tak*, a family dinner, with himself, his wife, and daughter. John accepted this invitation; and they all assembled at the hour of dinner. There was a joint of roasted veal at the head of the table, stewed veal at the bottom, veal soup in the middle, calf's head on one side of the soup, and veal cutlets on the other, calf's foot jelly between the soup and rost veal, and calf's brains between the stewed veal and the soup. "Noo," says his lordship, in his own blunt way, "Mr. H. you may very likely think this an odd sort of dinner; but you'll no wonder when you ken the cause of it. We keep nae company, Mr. H. and Miss P. here, my daughter, caters for our table. The way we do is just this:—we kill a *beast* as it were to-day, and we just begin to cook it at one side of the head, travel down that side, turn the tail, and just gang back again by the other side to where we began."—*Literary Gazette.*

At the government house, Surinam, in 1813, a Scotch terrier bitch, having lost her puppies, suckled a kitten, a marmouset monkey, and a lamb, sometimes separately, sometimes together. No art whatever was used: the kitten first attached itself, then the monkey, and lastly, the lamb, which had lost the ewe.

A man is now living in the village of Hilperton Wilts, who was *thrice* married in one year—His first wife, with whom he lived nearly 30 years, died in January of that year; he married the second in May but she lived only ten weeks, and he married his present wife in November.

ORIGIN OF THE TERM "SPINSTER."—Among our industrious and frugal forefathers, it was a maxim that a young woman should never be married until she had spun herself a set of body, bed, and table linen. From this custom all unmarried women were termed Spinsters—an appellation they still retain in all law proceedings.

COMPARISON NOT ODIOUS.—At the house of Madame la Duchesse de Maine, the company were one day amusing themselves, by comparing and finding ingenious distinctions between one object and other. "What difference," said the Duchess to the Cardinal de Polignac, "is there between me and a watch?" "Madame," replied the Cardinal, "a watch marks the hours, and you make us forget them."

A Royton correspondent writes word, that a certain rector lately inducted into a living, not 150 miles from Middleton, having, on his arrival observed that a pear-tree, belonging to a neighbour, was very fruitful, contrived, in walling in his own garden, to include the said pear-tree. Some time after, in his walks, he met a young man, who is generally understood to be an idiot, and asked whether he could repeat the ten commandments. "Some of them," said the young man. "Well," said the clergyman, "repeat me the tenth, and I will give you sixpence." The young man begun: "Thou shalt not covet thy neighbour's house; thou shalt not covet thy neighbour's wife; nor his servant, nor his maid, nor his ox, nor his ass, *nor his pear-tree*, nor any thing that is his." The reverend divine slunk away without paying the promised sixpence.

Trying Experiment of Hanging.—A few days ago, a young lady, in the neighbourhood of Carlow, trying an experiment on her neck with a silk handkerchief, to ascertain the nature of hanging, stopped the circulation of blood, so that she fell senseless; and were it not for the timely assistance of a gentleman who was present, might have paid dearly for her curiosity.

A person was praising the boxes of the Haymarket theatre (certainly the most inconvenient and unfit for their use that ever were constructed) on the score of their *box*—fronts; "Aye, aye," replied one of the company, "that is their only recommendation, for as you cannot see the stage from them, you can but entice ladies to enter them by having a *beau* to each.

Indian Virtue.—A married woman of the Shawanee Indians made this beautiful reply to a man whom she met in the woods, and who implored her to love and look on him: "Oulama, my husband," said she, "*who is ever before my eyes*, hinders me from seeing you, or any other person.'

The following is a literal copy of a *medical* certificate, of which the original is in our possession:—"To the Overssers of gadleygreen this his to sertefy that Thomas Bowers his not qualfyed for eney employment his Comeplent his A Consumption.

J. F —— Surgeon Bridge-street Stayley Brdge,"

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